



City of Huntington Beach Planning Department **STUDY SESSION REPORT**

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Andrew Gonzales, Assistant Planner *AG*
DATE: May 13, 2008

**SUBJECT: APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL
USE PERMIT NO. 2007-044 AND COASTAL DEVELOPMENT PERMIT NO. 07-
018 (HERMAN RESIDENCE)**

LOCATION: 3292 Falkland Circle, 92649 (Admiralty Island – Huntington Harbor)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

The item is an appeal filed by Planning Commissioner Scandura of the April 2, 2008, Zoning Administrator's approval of Coastal Development Permit (CDP) No. 07-018 and Conditional Use Permit (CUP) No. 07-044. The entitlements are to permit the demolition and construction of an approximately 6,208 sq. ft. single-family dwelling with a 602 sq. ft. attached garage and to permit:

- a. An approximately 1,107 sq. ft. 3rd floor bonus room.
- b. An approximately 148 sq. ft. 3rd story deck.
- c. An overall building height exceeding 30 ft. (35 ft. max.).

The proposed single family residence is located at the end of a cul-de-sac street and is a waterfront lot within an established single-family residential neighborhood on Admiralty Island. The project complies with the General Plan, Coastal Zone Overlay District, and provisions of the base zoning district including maximum lot coverage, minimum on-site parking, and minimum building setbacks. A maximum building height of 35 ft., a 3rd story habitable floor area, and a 3rd story deck are allowed in the base zoning district with approval of a CUP. The proposed residence substantially complies with the City's 3rd story requirements because all usable 3rd story floor area is concealed within the confines of the proposed 2nd story roof volume. The new residence is also subject to the City's Residential Infill Lot Ordinance which evaluates development for compatibility and privacy issues, such as window alignments, building pad height, and floor plan layout. The new residence complies with the Infill Lot Ordinance because all windows are offset with windows of adjoining residences, the 3rd story deck is oriented toward the public right-of-way, and the design is compatible with the residences within the surrounding Huntington Harbor neighborhoods.

CURRENT LAND USE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RL-7 (Residential Low Density – Max. 7 du/ac)	RL (Residential Low Density)	Single-Family Residential
North, South and West of Subject Property	RL-7 (Residential Low Density – Max. 7 du/ac)	RL (Residential Low Density)	Single-Family Residential
East of Subject Property	OS-W (Water Recreation)	OS-WR (Water Recreation Subdistrict)	Shelter Channel - waterway

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

December 19, 2007

MANDATORY PROCESSING DATE(S):

February 17, 2008

Coastal Development Permit No. 07-018 and Conditional Use Permit No. 07-044 was filed on November 19, 2007 and deemed complete on December 19, 2007. On February 14, 2008, the applicant requested a one-time, 90-day extension to extend the mandatory processing date deadline to May 17, 2008. The Zoning Administrator acted on the application on April 2, 2008, in compliance with the mandatory processing timelines. An appeal was filed by Planning Commissioner Scandura on April 14, 2008. The application is tentatively scheduled for public hearing before the Planning Commission on May 27, 2008.

CEQA ANALYSIS/REVIEW

The proposed project is Categorically Exempt, pursuant to Section 15303, Class 3 of the California Environmental Quality Act, because the project is located within an urbanized residential zone and involves the construction of a new single family dwelling.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Building & Safety, Fire, and Public Works have reviewed the application and identified comments and applicable code requirements provided in Attachment No. 4.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

Coastal Development Permit No. 07-018 and Conditional Use Permit No. 07-044 was scheduled before the Zoning Administrator on April 2, 2008. Prior to the public hearing staff received 2 letters of opposition from the Huntington Harbor Property Owners' Association and 8 letters from neighboring property owners requesting denial of the project.

The applicant and 5 residents were present at the April 2, 2008, Zoning Administrator meeting. The applicant spoke in favor of the request and noted that the proposed residence complies with all development standards of the base zoning district and is designed to minimize building mass and protect privacy of adjoining residences. The residents expressed their opposition and noted concerns due to the size and height of the residence, privacy impacts, on-street parking impacts, and vehicular circulation and safety impacts associated with the proposed new residence.

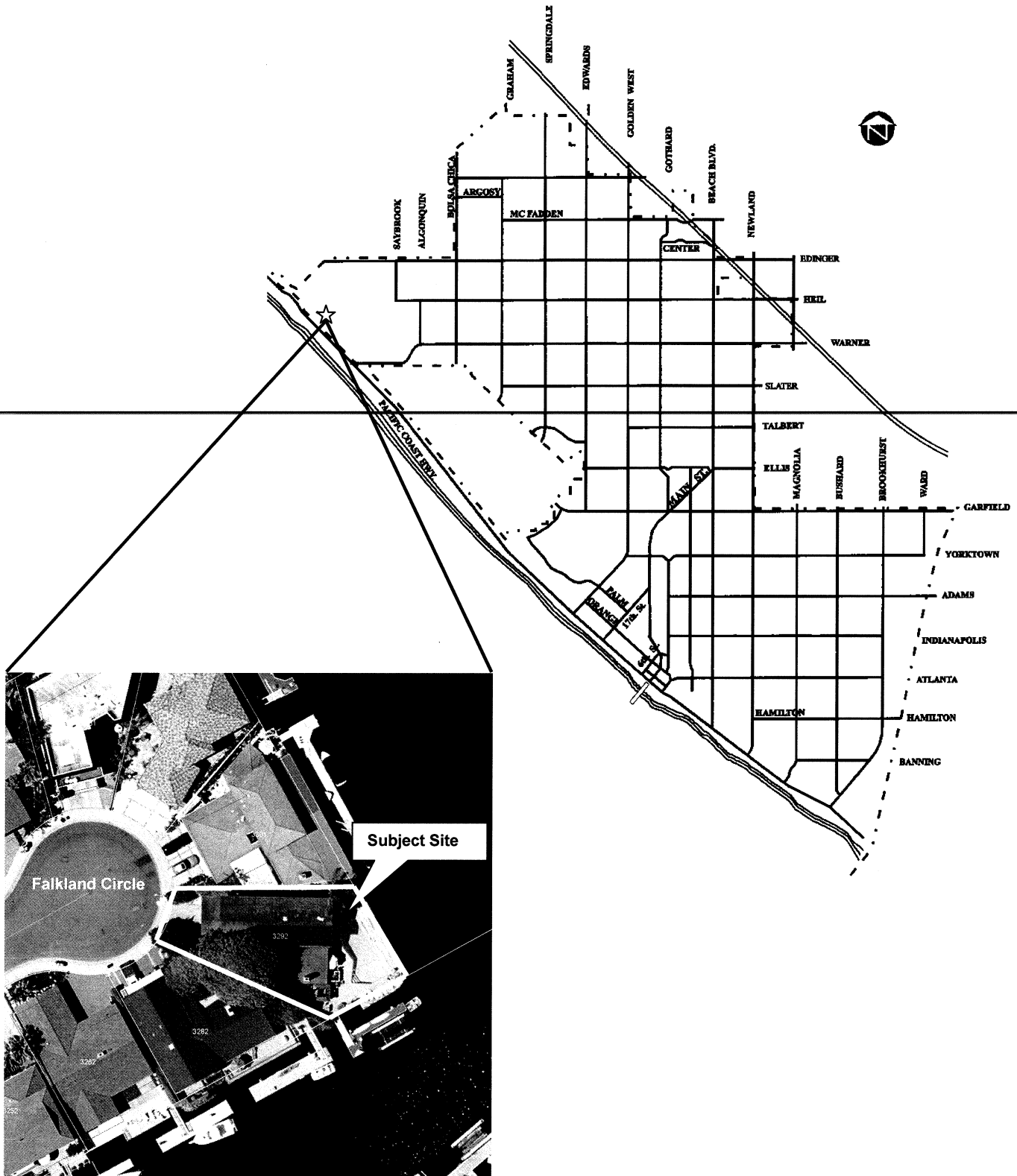
The Zoning Administrator stated that the proposed residence is of similar size and height with other newly constructed single-family dwellings in the Huntington Harbor area. The Zoning Administrator found that the proposed residence will be compatible with the neighborhood because the design of the home conceals all 3rd story habitable floor area within the confines of the 2nd story roof volume and protects the privacy of adjoining residences. Therefore, the Zoning Administrator approved Coastal Development Permit No. 07-018 and Conditional Use Permit No. 07-044 with findings and conditions of approval.

PLANNING ISSUES

The primary issue for the Planning Commission to consider is whether or not approval of the CUP and CDP for the construction of the proposed single-family residence is compatible with homes in the surrounding area, complies with the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) requirements for 3rd story construction and the Infill Lot Ordinance, and is consistent with the goals, objectives, and policies of the General Plan.

ATTACHMENTS:

1. Vicinity Map
2. Site plan, floor plans, and elevations received and dated February 7, 2008
3. Zoning Administrator Notice of Action – CDP No. 07-018/ CUP 07-044 dated April 2, 2008
4. Code Requirements Letter –CDP 07-018/ CUP 07-044 dated January 28, 2008.
5. Planning Commissioner Scandura appeal letter dated April 14, 2008
6. Letters of Opposition and Support

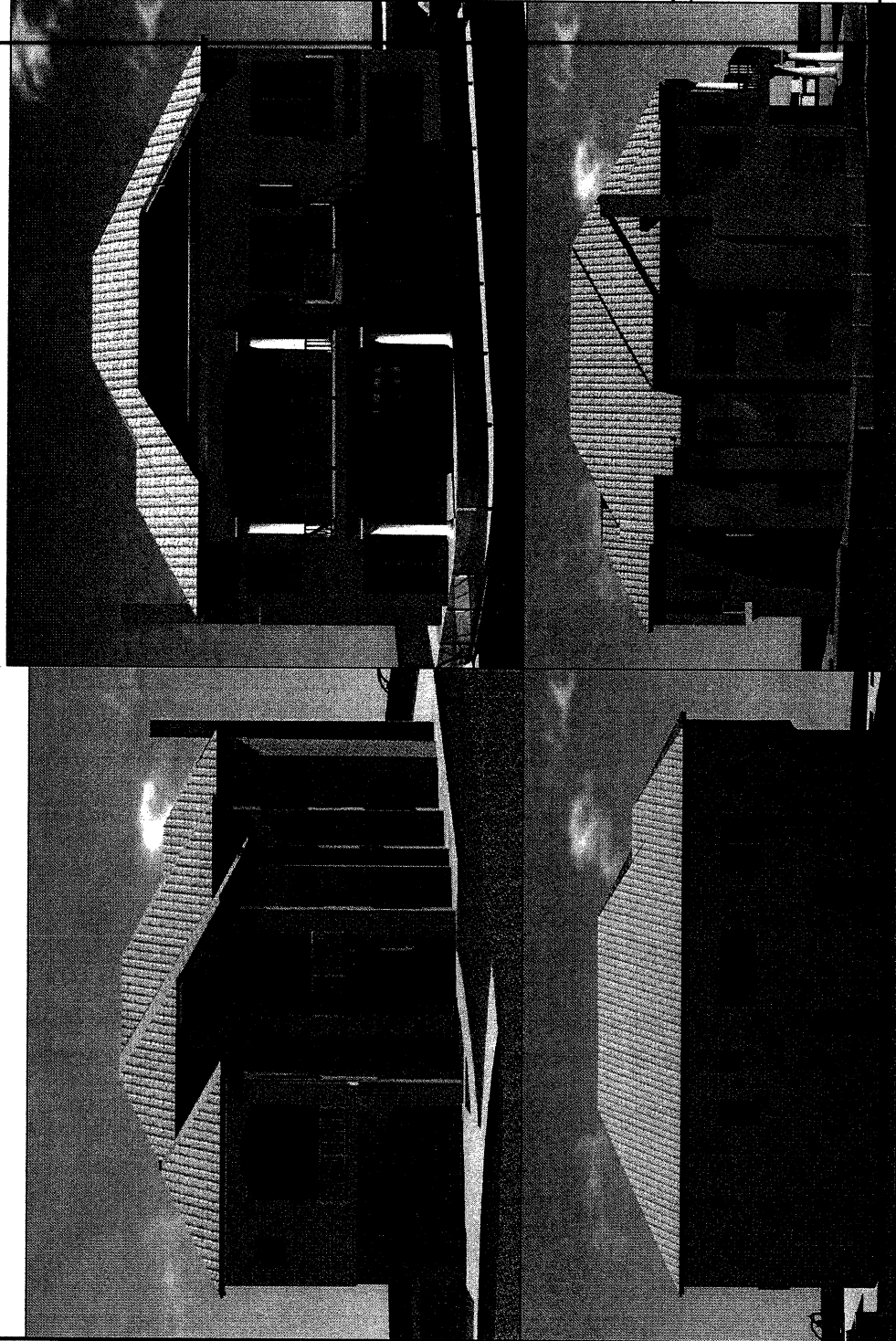


VICINITY MAP
CONDITIONAL USE PERMIT 07-044 & COASTAL DEVELOPMENT PERMIT NO. 07-018
(HERMAN RESIDENCE – 3292 FALKLAND CIRCLE)

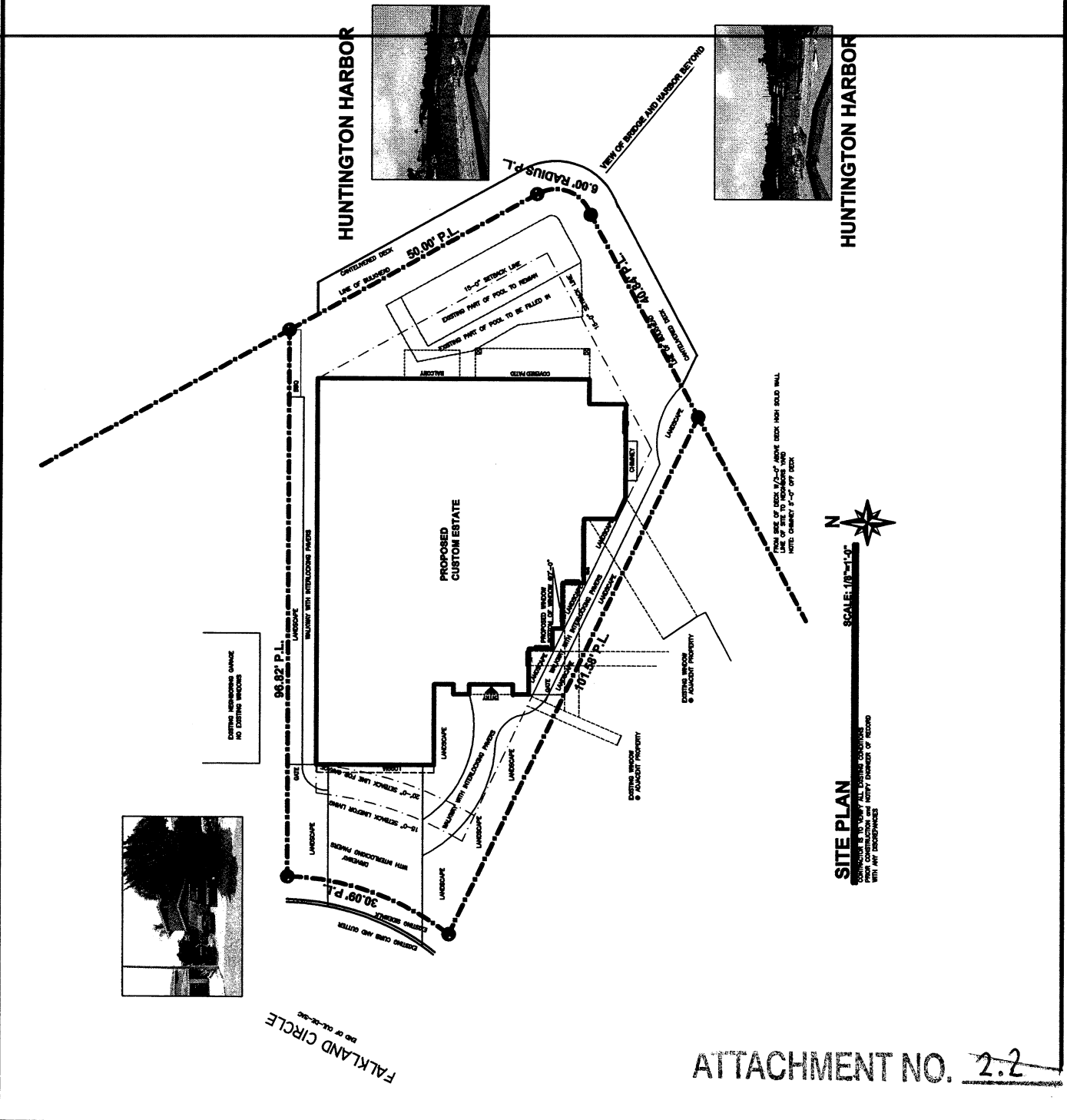
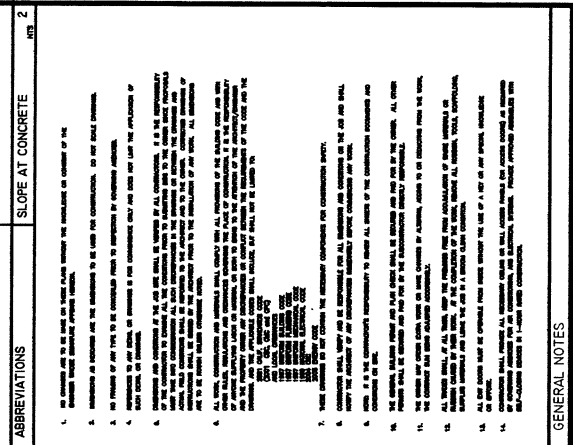
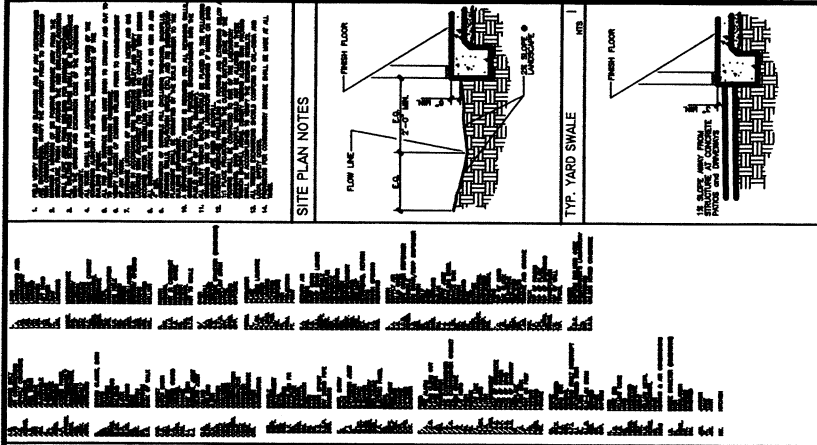
ATTACHMENT NO. 1.1

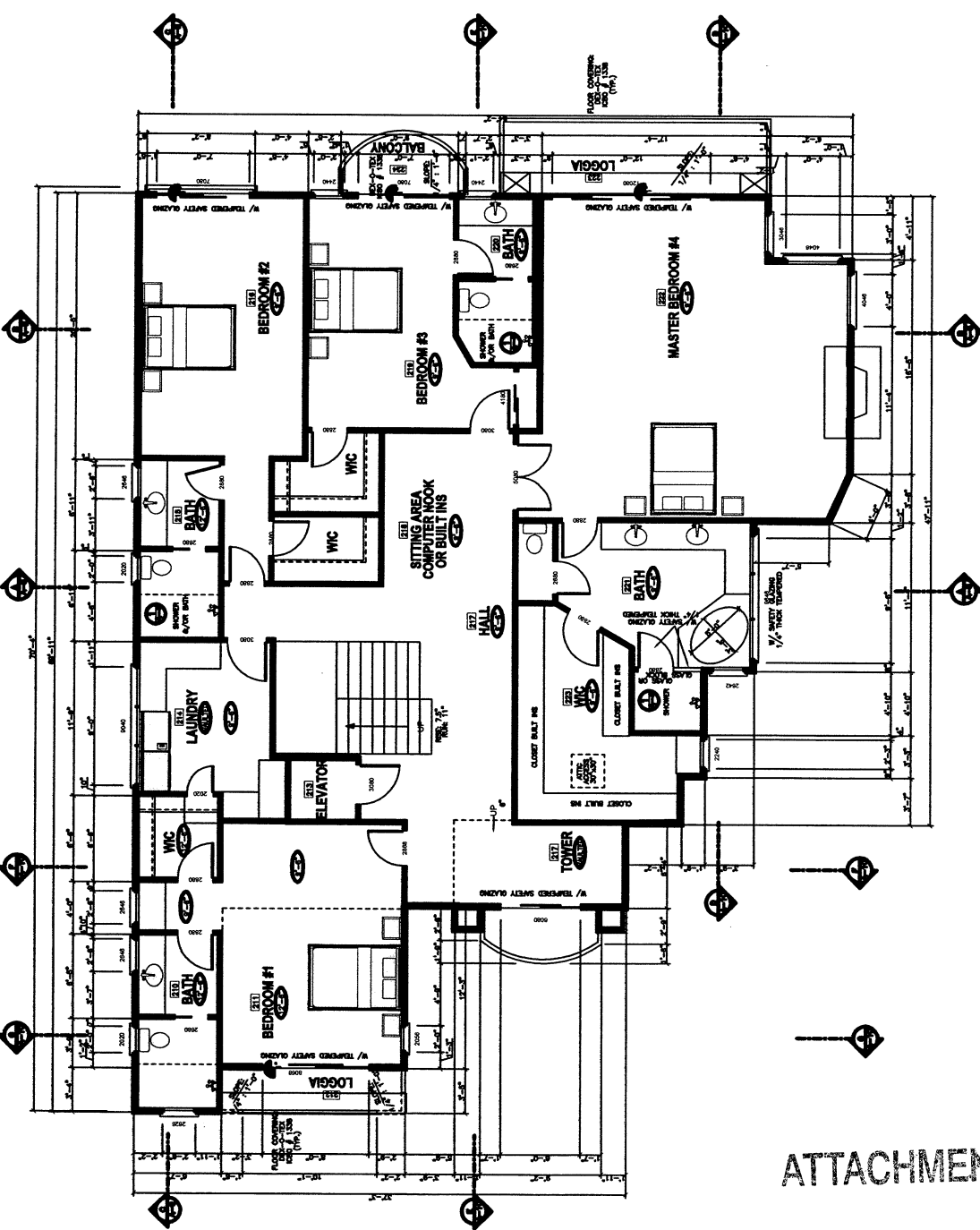
PROPOSED NEW CUSTOM HOME:
THE R.L. BOLLING CO.
 3292 FALKLAND CIRCLE
 HUNTINGTON BEACH, CALIFORNIA 92649

City of Huntington Beach
 FEB 07 2008



1 T-1 COVER SHEET		13 A-10 SECTIONS	
2 T-2 TITLE 2A		14 A-11 SECTIONS	
3 T-3 TITLE 2A		15 A-12 SECTIONS	
4 A-1 SITE PLAN & GENERAL NOTES		16 A-13 SECTIONS	
5 A-2 FIRST FLOOR PLAN		17 A-14 SECTIONS	
6 A-3 SECOND FLOOR PLAN		18 A-15 SECTIONS	
7 A-4 THIRD FLOOR PLAN		19 A-16 SECTIONS	
8 A-5 ROOF PLAN		20 A-17 SECTIONS	
9 A-6 ELEVATIONS		21 A-18 SECTIONS	
10 A-7 ELEVATIONS		22 A-19 SECTIONS	
11 A-8 SECTIONS		23 A-20 SECTIONS	
12 A-9 SECTIONS		24 A-21 SECTIONS	
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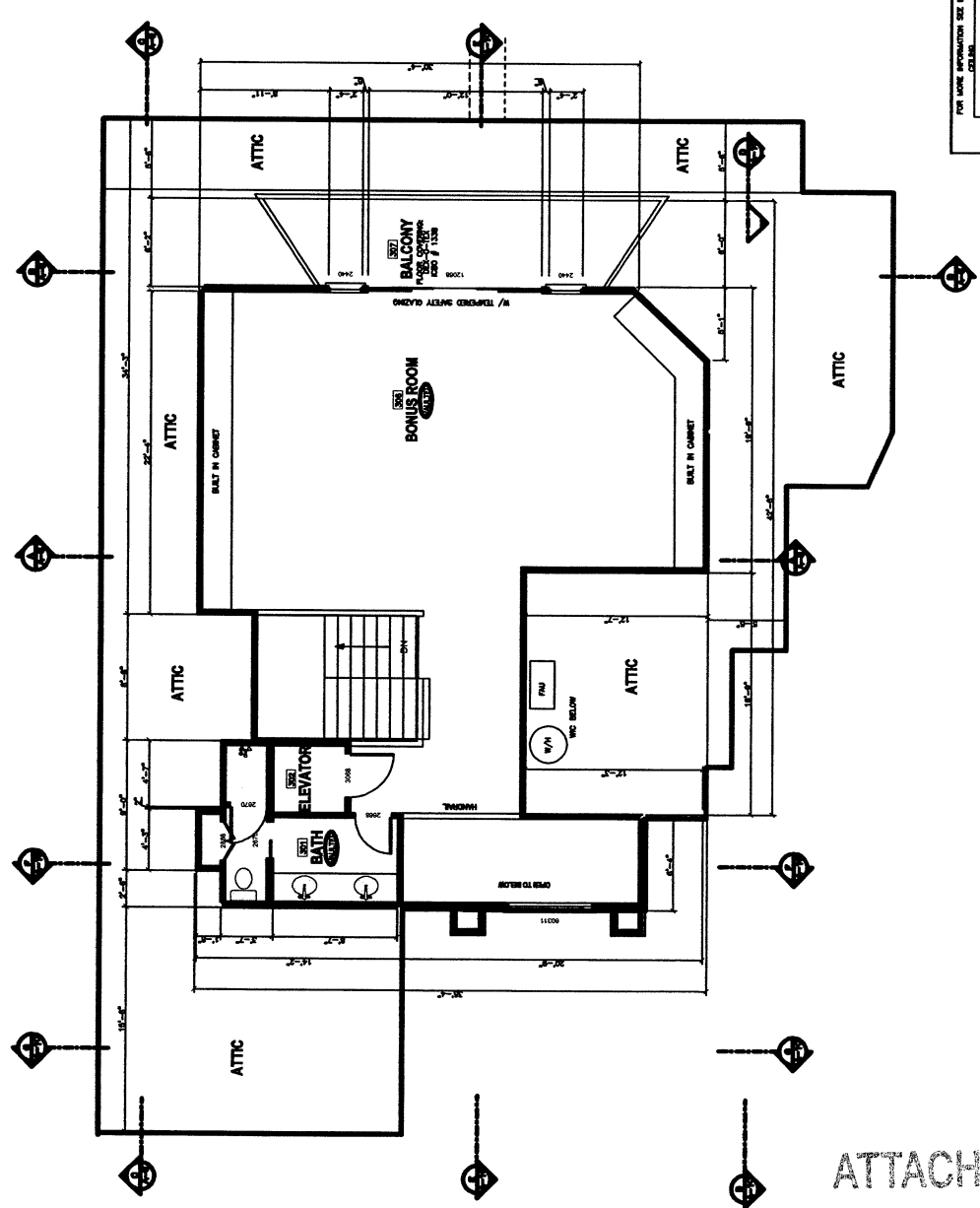




SECOND FLOOR PLAN

ATTACHMENT NO. 2.4

[illegible]



SCALE: 1/4"=1'-0"

THIRD FLOOR PLAN

CONTRACTOR IS TO VERIFY ALL LISTING CONDITIONS
PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF RECORD
WITH ANY DISCREPANCIES

**OWNER TO DECIDE
FLOATING, BOOZING**

 $1/2^{\circ} = 1'-0''$

DOOR NOTES

1997-1998

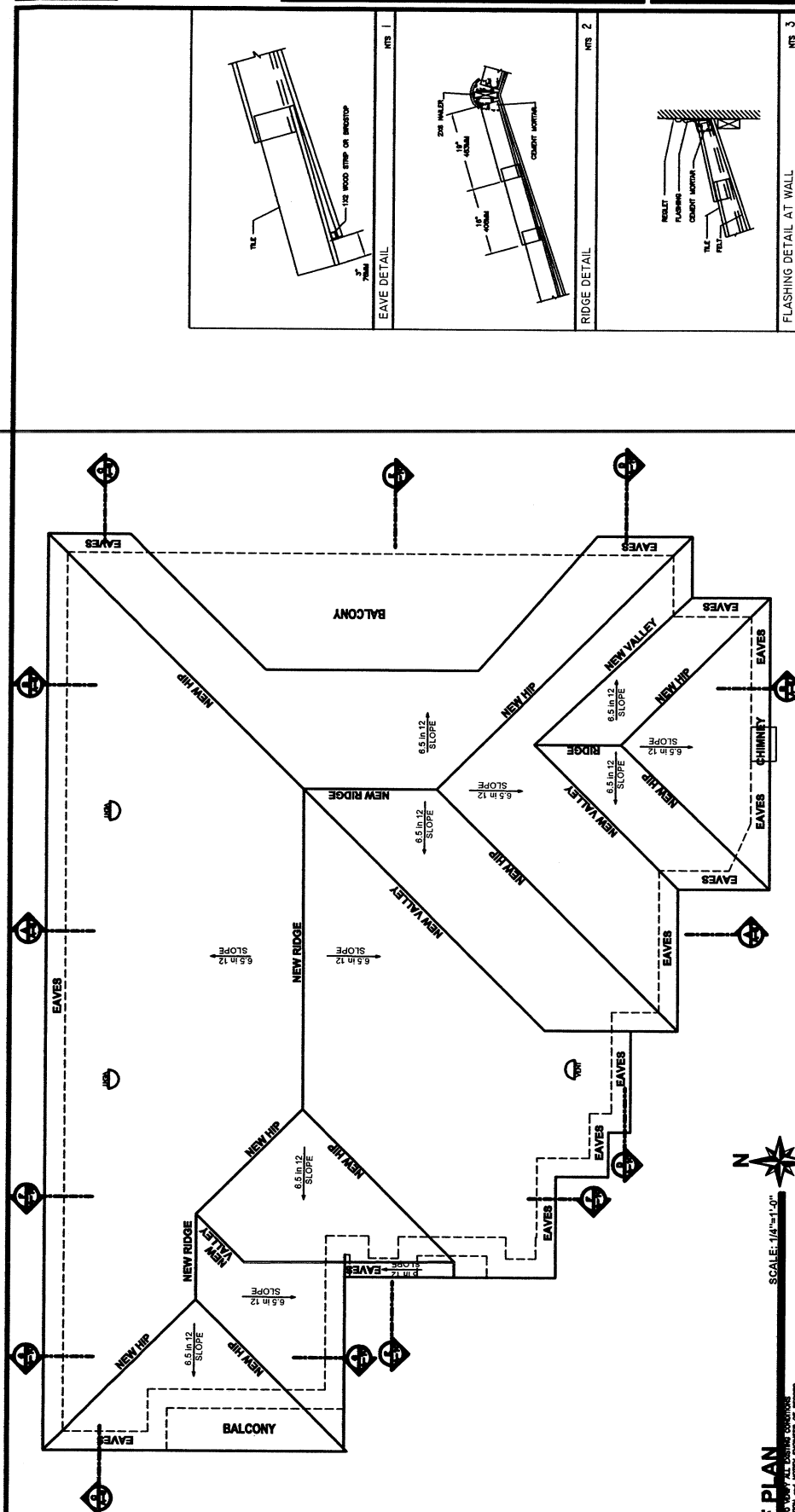
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POST-TEST RESULTS

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17-A

ATTACHMENT NO. 2.5

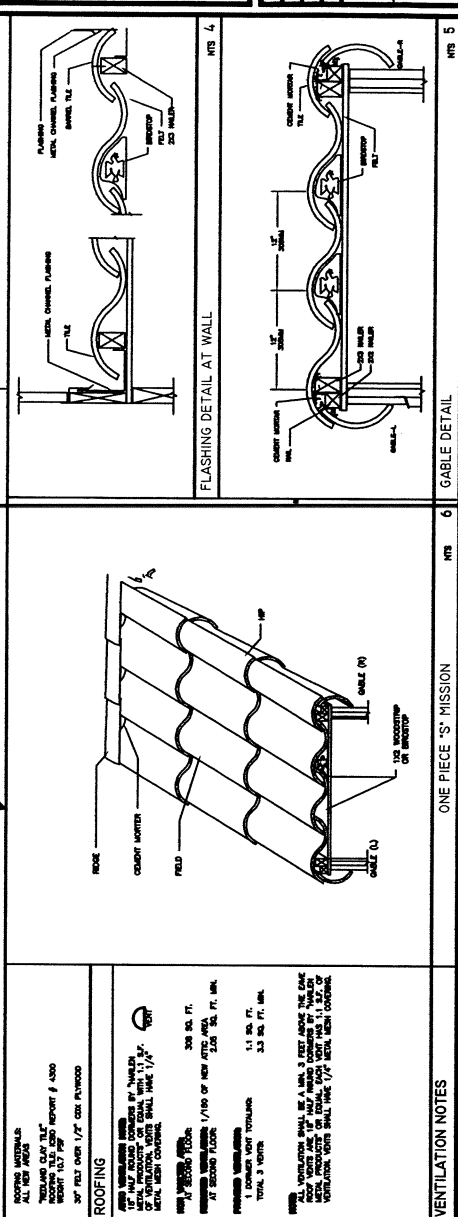


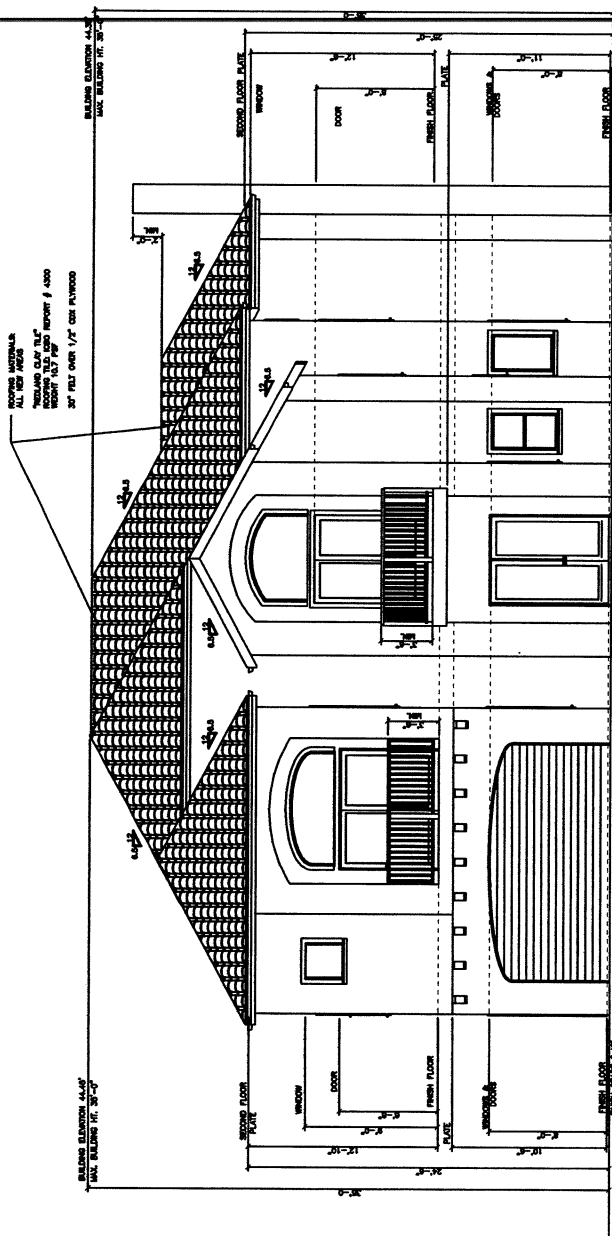
ROOF PLAN

SCALE: 1/4"=1'-0"

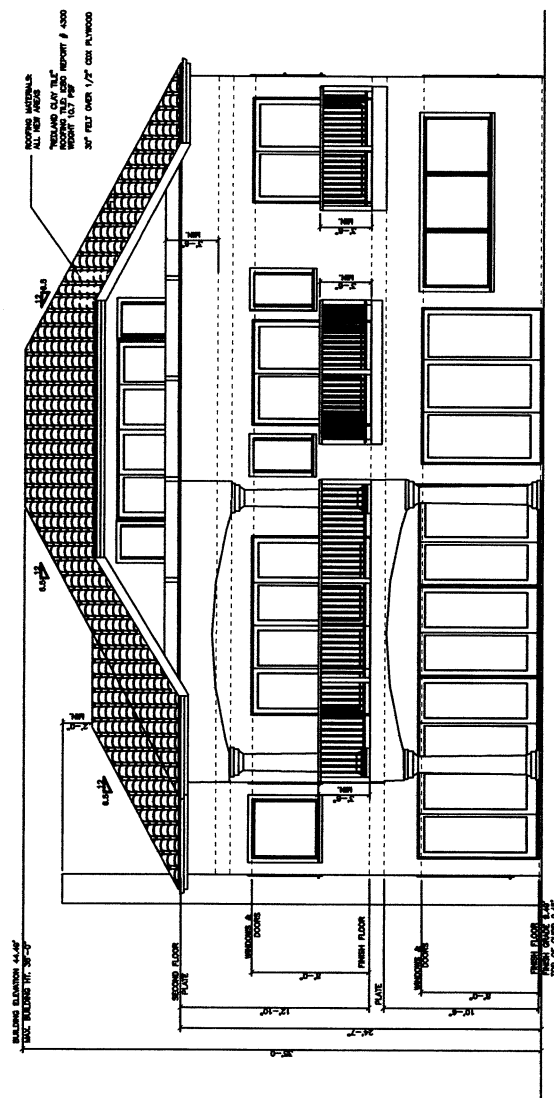
CONTRACTOR IS TO VERIFY ALL EXISTING CONDITIONS PRIOR CONSTRUCTION and NOTIFY ENGINEER OF RECORD WITH ANY DISCREPANCIES.

ATTACHMENT NO. 2.6





WEST ELEVATION



EAST ELEVATION

EXTERIOR LATH & PLASTER

1. EXTERIOR FASH, TRIM AND ROOFING COLORS TO MATCH EXISTING.
2. EXTERIOR FINISH TO MATCH EXISTING APPLIED ON WEATHERPROOF BARRIER.
3. PROVIDE 2" O.D. SIZED OR SIMILAR SIZE OF FOUNDATION/ALL FLEET-CONTINUOUS - MIN. 4" ABOVE GRADE OR 2" ABOVE FINISHED PAVED.
4. ALL EXTERIOR WOOD TRIM BE FINISHED WITH EXTERIOR GRAIN MATCHING EXISTING TRIM.
5. ALL EXTERIOR WOOD TRIM TO BE FINISHED WITH EXTERIOR GRAIN MATCHING EXISTING TRIM.
6. ALL DOORS, WINDOWS AND VENTS SHALL BE MADE WEATHERPROOF.
7. ALL TRIM SHALL BE STAINED AND PAINTED TO MATCH THE WALLS.
8. ALL EXTERIOR LIGHTING AND ELECTRICAL FIXTURES SHALL BE WEATHERPROOF AND INSTALLED PER CODE.
9. ALL CONNECTIONS OF NEW TO EXISTING SHALL

USC 1402.2 CALLS FOR FLASHING OF ALL EXTERIOR WINDOW AND DOOR OPENINGS EXPOSED TO WEATHER TO MAKE THEM WEATHER-PROOF. IT IS RECOMMENDED THAT ALL EXTERIOR WINDOWS AND DOORS BE FLASHED USING "BOSTON" FLASHING OR EQUAL AND APPLY CALLINGS TO THE BACK OF ALL FRAMES PRIOR TO SETTING.

ELEVATION NOTES

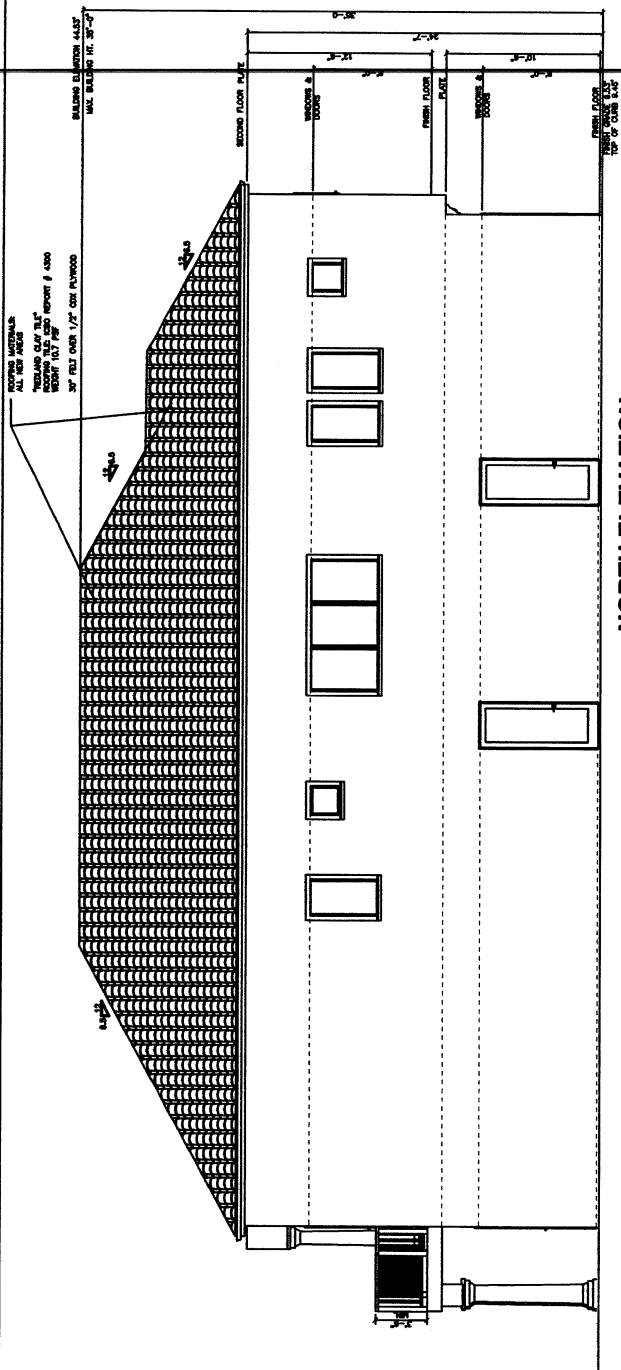
1/2" EXTERIOR PLASTER ON MTL. LATH,
SMOOTH FRESH BULFOSED EXTERIOR
CORNERS, PROVIDE 2 LAYERS OF GRADE
"D" PAPER (VELT) OVER PLYWOOD AT
SHEAR WALLS.

EXTERIOR LATH & PLASTER

6. EXTERIOR GROUND, TREES AND ROOFSING COLORS TO MATCH EXTERIOR.
7. EXTERIOR STUDIOS TO MATCH EXTERIOR APPLIED EXTERIOR DECORATIVE DEVICES.
8. PROVIDE 2" OR WIDER STRIPS ON SIDING EDGE AT FOUNDATION/PAVEMENT CONTROLS - MIN. 4" HIDE SPACE ON 2" ADJACENT FINISHED FLOOR.
9. ALL EXTERIOR FINISHES WILL BE FINISHED WITH AN EXTERIOR GRADE FINISH. FINISHES MUST MATCH EXTERIOR FINISH.
10. ALL DOORS, WINDOWS AND VENTS SHALL BE MADE WEATHERPROOF.
11. ALL EXTERIOR WALLS WILL BE WEATHERPROOFED AND PARTIALLY WEATHERPROOFED.
12. ALL EXTERIOR LEANING AND INTERNAL DIVIDERS SHALL BE WEATHERPROOFED AND INSULATED FOR CODE.
13. ALL CONNECTIONS OF KEYS TO EXTERIOR SHALL

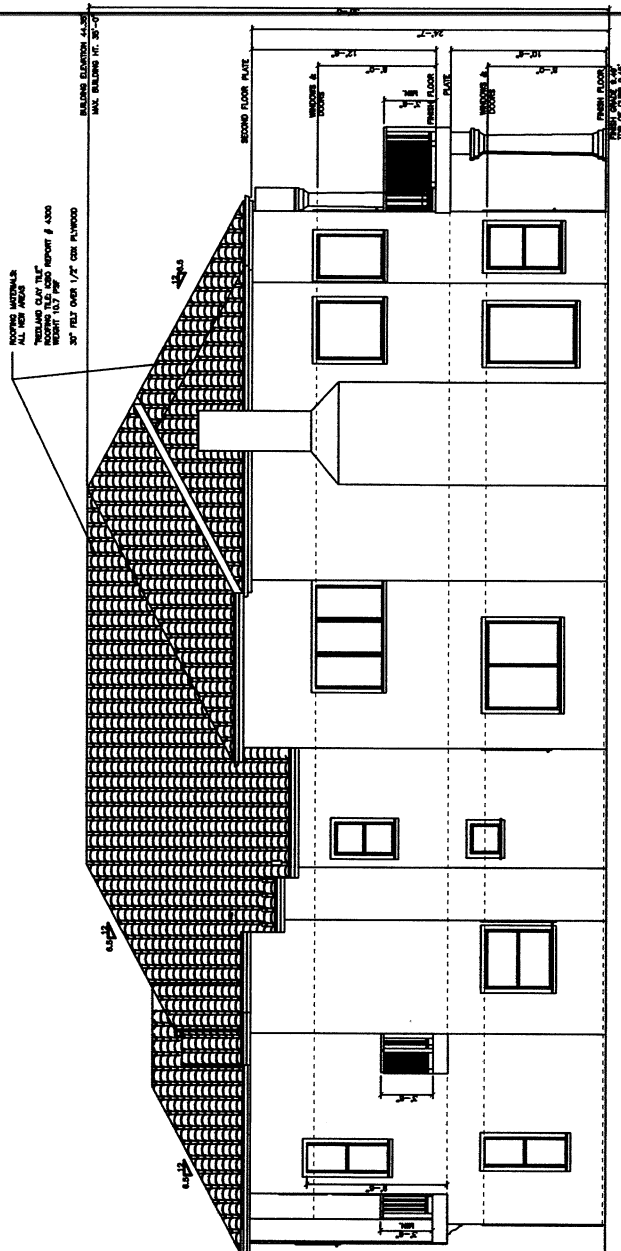
SEC 1402.2 CALLS FOR FLASHING OF ALL EXTERIOR WINDOW AND DOOR OPENINGS EXPOSED TO WEATHER TO MAKE THEM WEATHER-PROOF. IT IS RECOMMENDED THAT ALL EXTERIOR WINDOWS AND DOORS BE FLASHED USING "BUTYST" FLASHING OR EQUAL AND BEPLY CALLINGS TO THE BACK OF ALL FRAMES PRIOR TO SETTING.

ELEVATION NOTES



NORTH ELEVATION

CONTRACTOR IS TO VERIFY ALL EXISTING CONDITIONS
BEFORE CONSTRUCTION AND NOTIFY ENGINEER OF RECORD
RECORDED ANY FILES



SOUTH ELEVATION

CONTRACTOR IS TO VERIFY ALL EXISTING CONDITIONS PRIOR CONSTRUCTION and NOTIFY ENGINEER OF RECORD

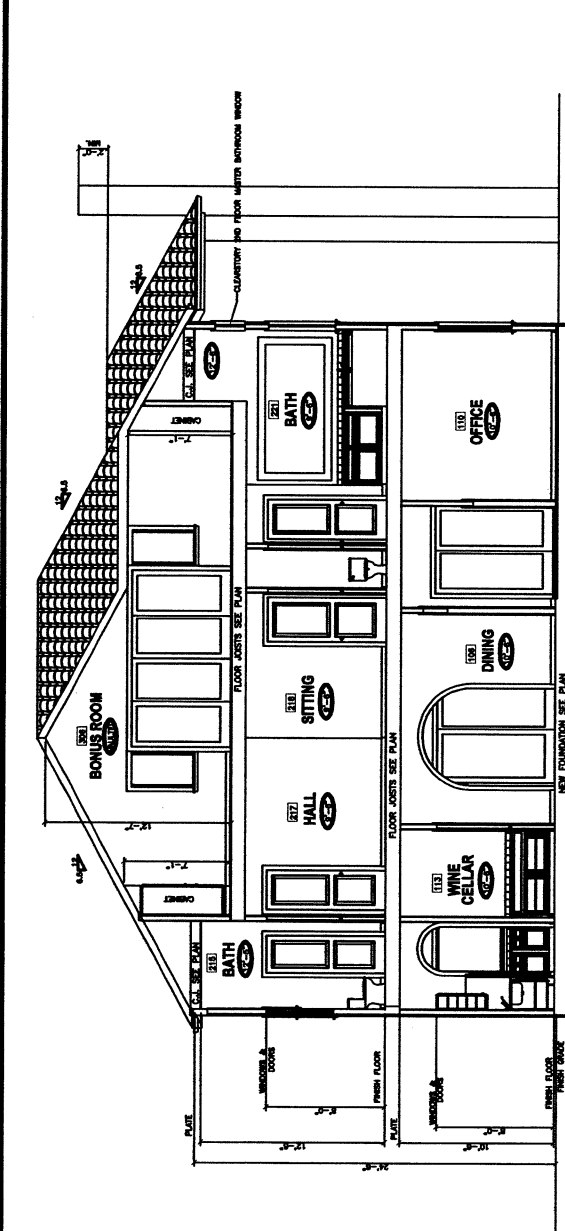
DATE	
DRAWN	
CHECKED	
APPROVED	

Elizabeth Barrett - Howell & Greg Howell
 20001 Suburban Lane, Huntington Beach, CA 92646
 email: greg@elizabethbarrett.com phone: 714-963-4800

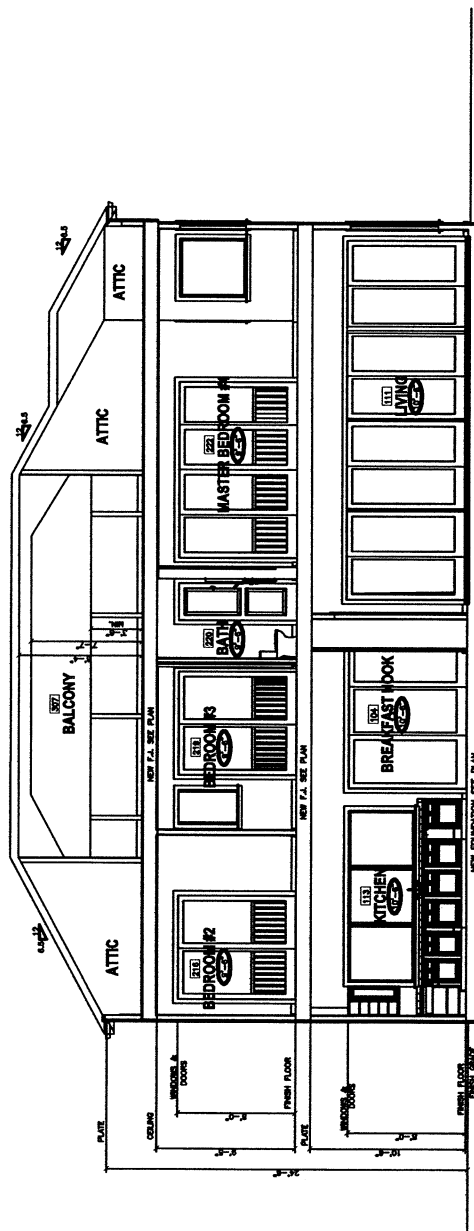
PROPOSED NEW CUSTOM HOME:
 THE R.L. POLLING CO.
 3292 PALM CIRCLE
 HUNTINGTON BEACH, CALIFORNIA 92646

SHEET NO. **A-8**
 SCALE: 1/4"=1'-0"
 DATE: 1-1-08

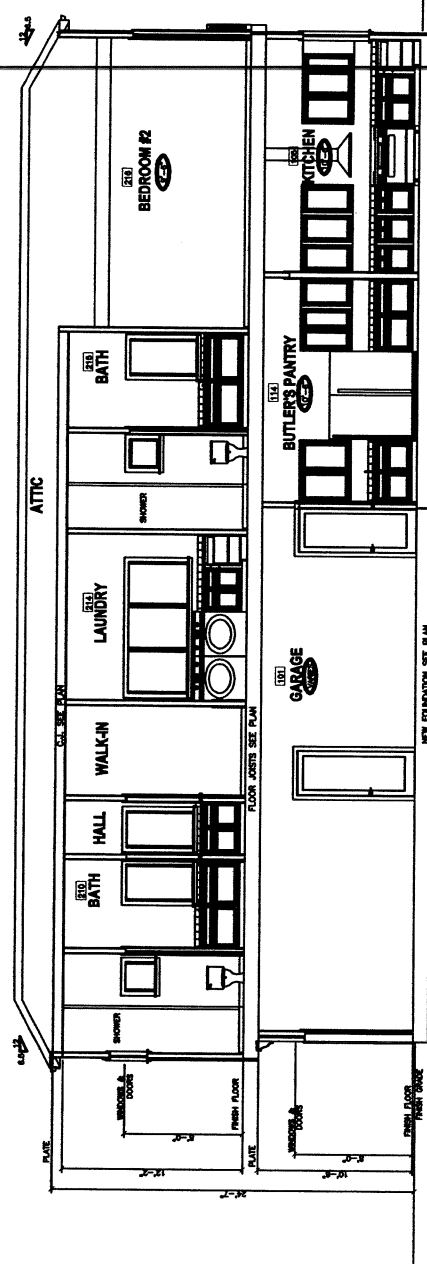
WEATHERPROOF OPENINGS	
1.	MINIMUM R-13 INSULATIONS IN ALL NEW WALLS.
2.	MINIMUM R-19 INSULATIONS IN ALL NEW ATTIC JENSEL.
3.	ALL NEW WINDOWS SHALL BE DUAL GLAZED.
4.	ALL EXISTING WINDOWS SHALL BE DUAL GLAZED AND ALL NEW WINDOWS SHALL BE DUAL GLAZED. ALL NEW WINDOWS SHALL BE DUAL GLAZED AND ALL NEW WINDOWS SHALL BE DUAL GLAZED.



SECTION A
 SCALE: 1/4"=1'-0"
 CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOKS AND ALL CITY ORDINANCES.



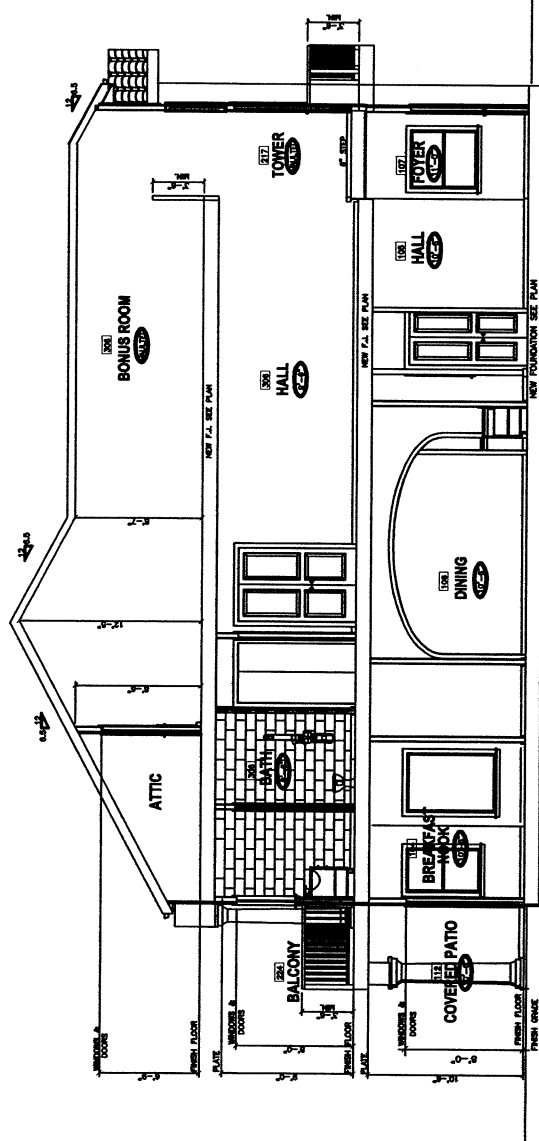
SECTION B
 SCALE: 1/4"=1'-0"
 CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOKS AND ALL CITY ORDINANCES.



SECTION C

CONTRACTOR IS TO VERIFY ALL EXISTING CONDITIONS
PRIOR CONSTRUCTION AND NOTIFY ENGINEER OF RECORD
WITH ANY DISCREPANCIES

SCALE: 1/4"=1'-0"



SECTION E

CONTRACTOR IS TO VERIFY ALL EXISTING CONDITIONS
PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF RECORD
WITH ANY DISCREPANCIES

SCALE: 1/4"=1'-0"

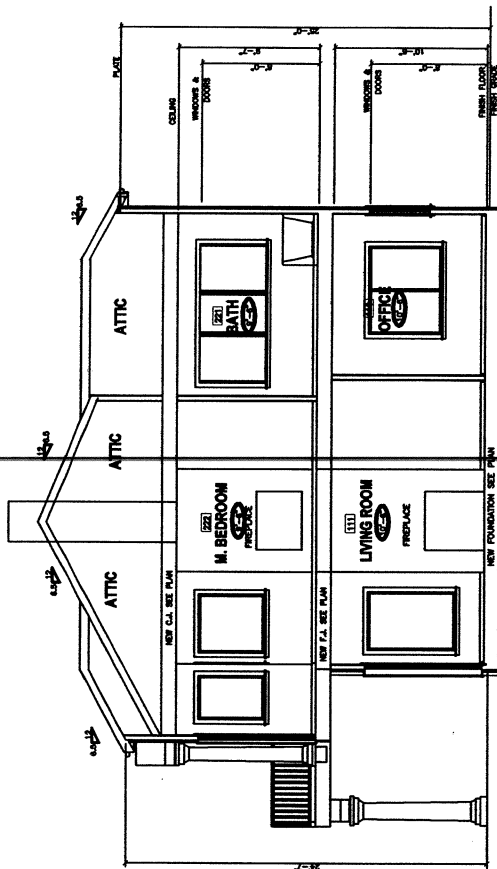
DATE	1/2/08
SCALE	1/4"=1'-0"
PROJECT	3282 PALM CIRCLE
CLIENT	THE R.L. POLLING CO.
DESIGNER	PROPOSED NEW CUSTOM HOME
LOCATION	HUNTINGTON BEACH, CALIFORNIA 92648

2008's sustainable home - howell & greg howell
 email: greg@hgh.com phone: 714-953-4808
 2008's sustainable home - howell & greg howell
 email: greg@hgh.com phone: 714-953-4808

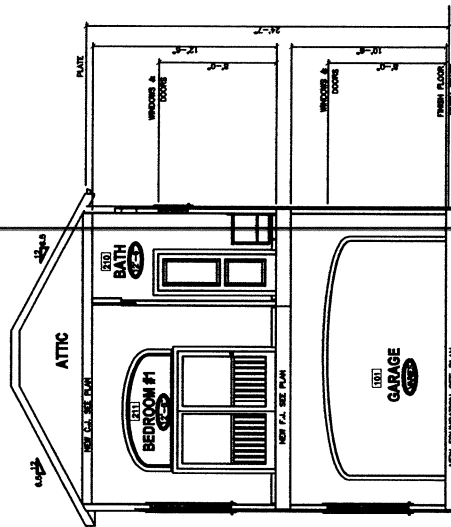
3282 PALM CIRCLE
 THE R.L. POLLING CO.
 PROPOSED NEW CUSTOM HOME
 HUNTINGTON BEACH, CALIFORNIA 92648

DATE	1/2/08
SCALE	1/4"=1'-0"
PROJECT	3282 PALM CIRCLE
CLIENT	THE R.L. POLLING CO.
DESIGNER	PROPOSED NEW CUSTOM HOME
LOCATION	HUNTINGTON BEACH, CALIFORNIA 92648

A-10



SECTION D
 SCALE: 1/4"=1'-0"
 CONSTRUCTION TO MEET ALL EXISTING CONDITIONS
 PRIOR TO CONSTRUCTION AND NOTIFY OWNER OF RECORD
 WITH ANY DISCREPANCIES



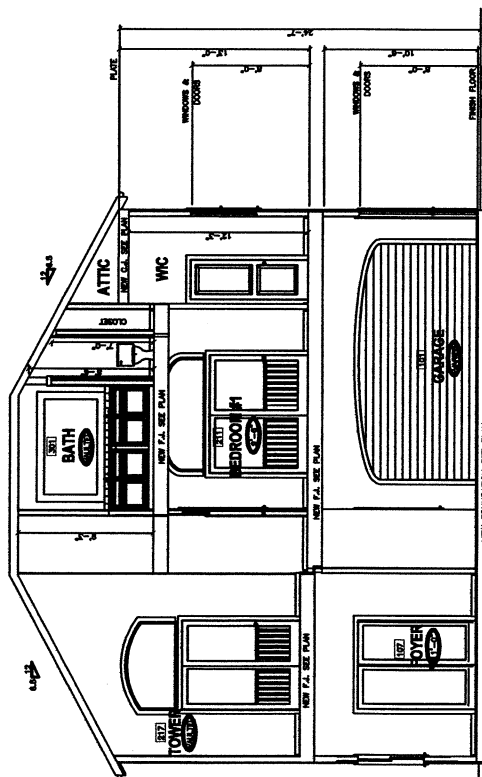
SECTION G
 SCALE: 1/4"=1'-0"
 CONSTRUCTION TO MEET ALL EXISTING CONDITIONS
 PRIOR TO CONSTRUCTION AND NOTIFY OWNER OF RECORD
 WITH ANY DISCREPANCIES

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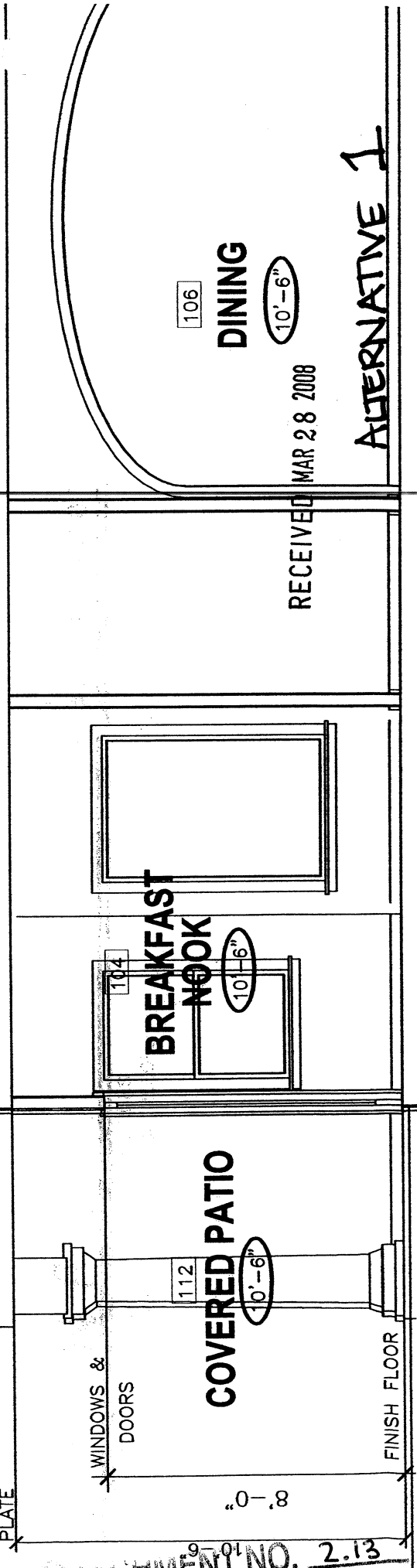
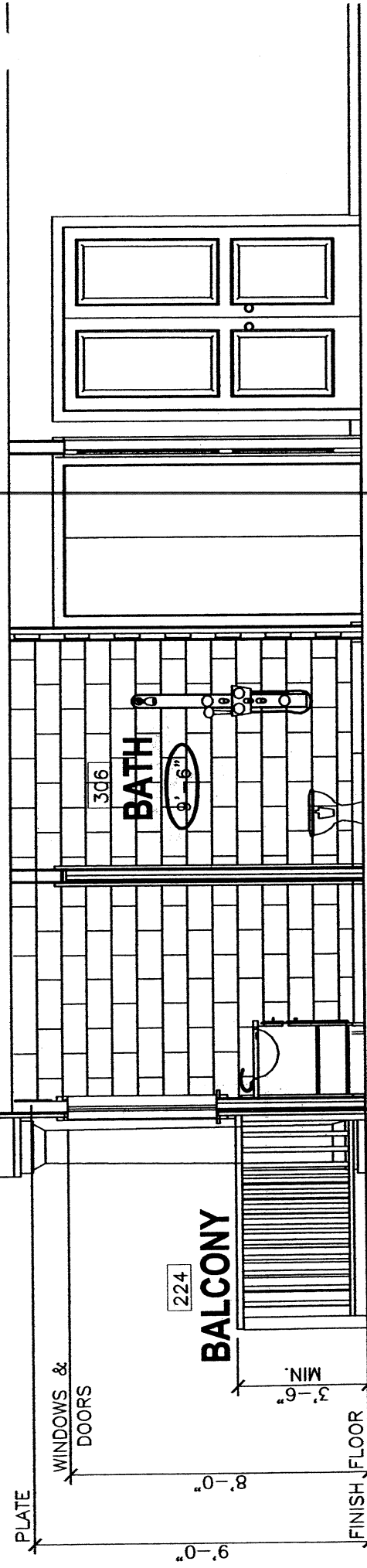
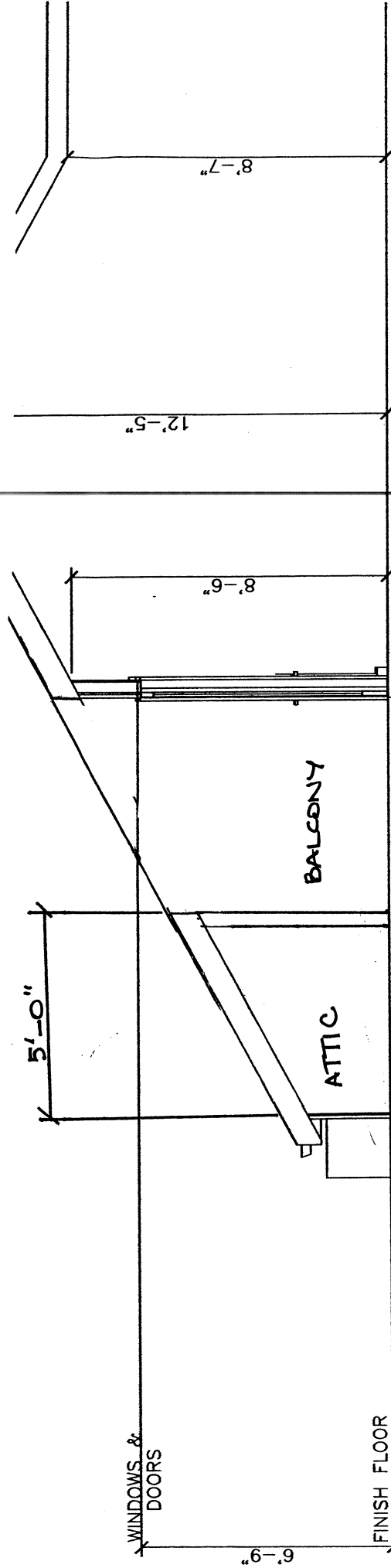
WEATHERPROOF OPENINGS

1. MINIMUM R-13 INSULATION IN ALL NEW WALLS
2. MINIMUM R-19 ALL NEW FLOOR JOISTS
3. ALL NEW WINDOWS SHALL BE TYPED GLAZED
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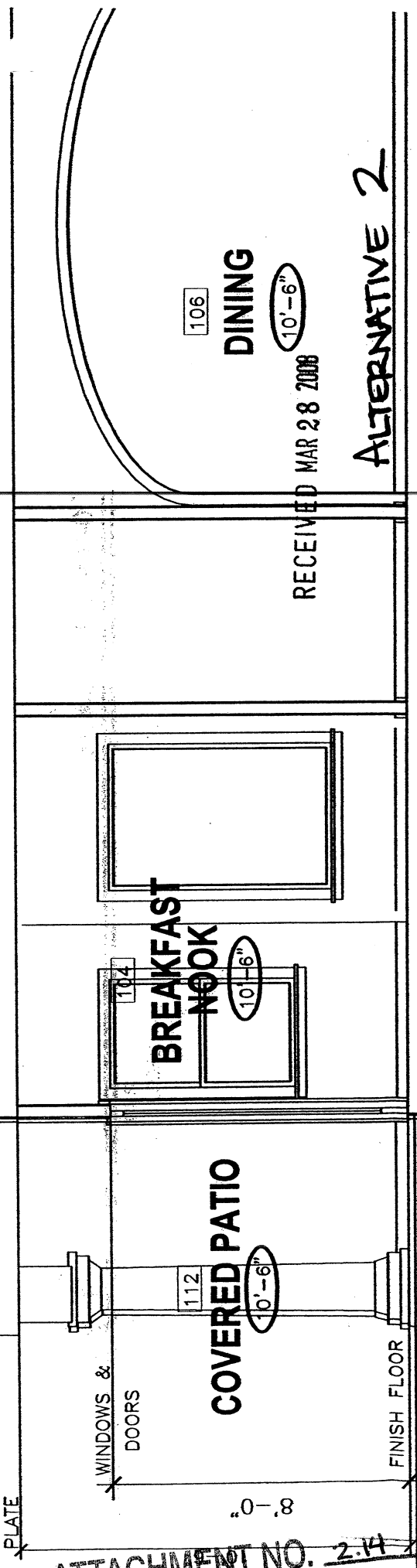
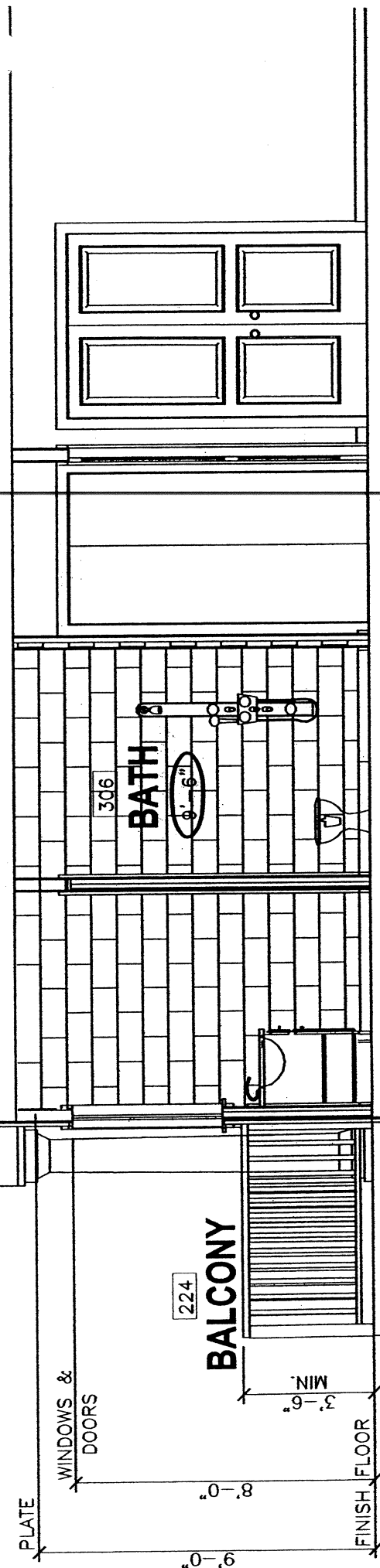
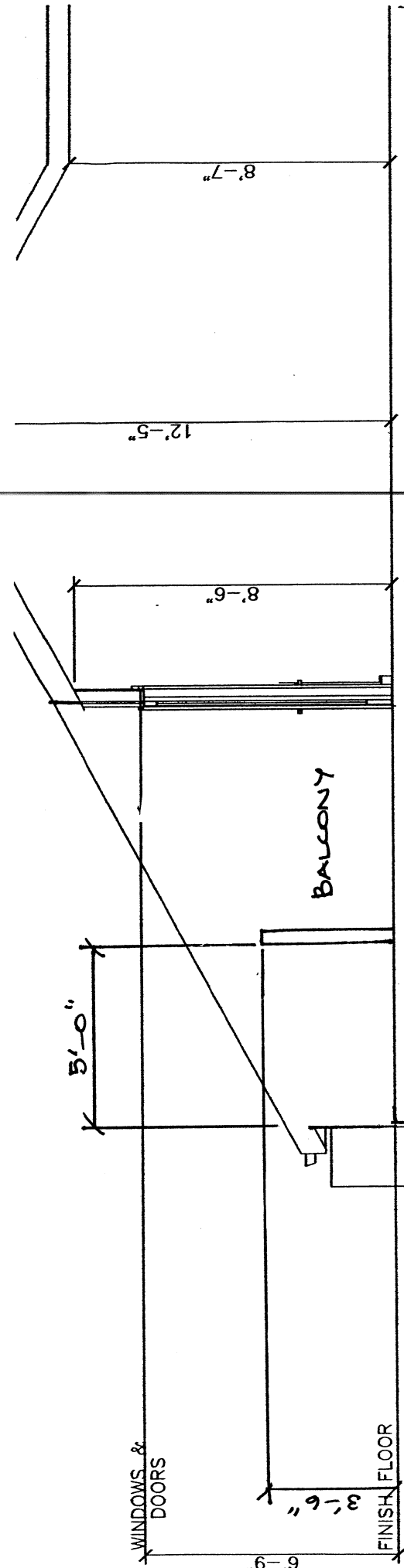
INSULATION NOTES



SECTION F
 SCALE: 1/4"=1'-0"
 CONSTRUCTION TO MEET ALL EXISTING CONDITIONS
 PRIOR TO CONSTRUCTION AND NOTIFY OWNER OF RECORD
 WITH ANY DISCREPANCIES

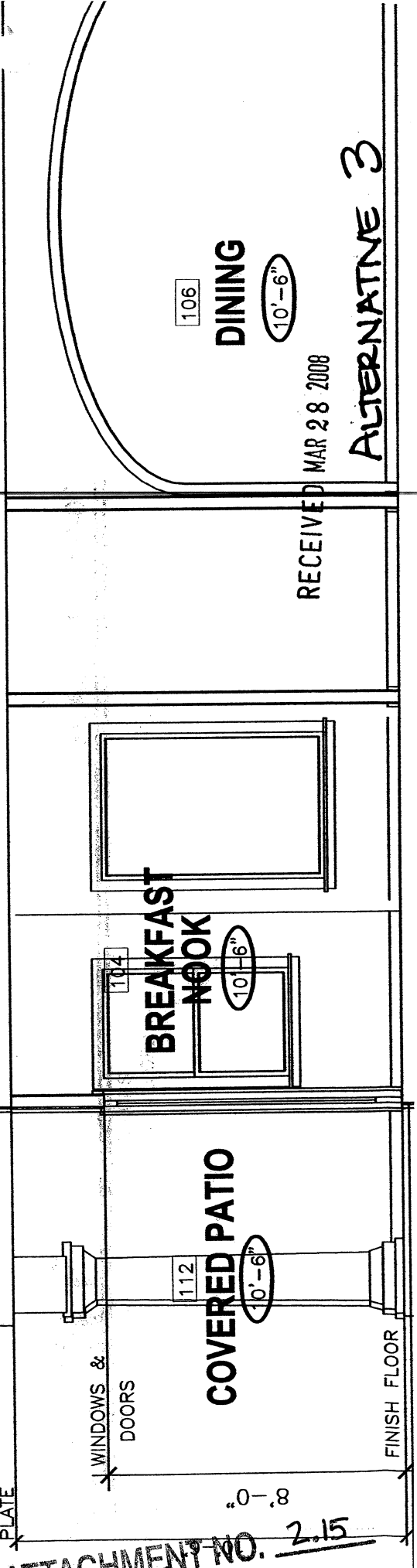
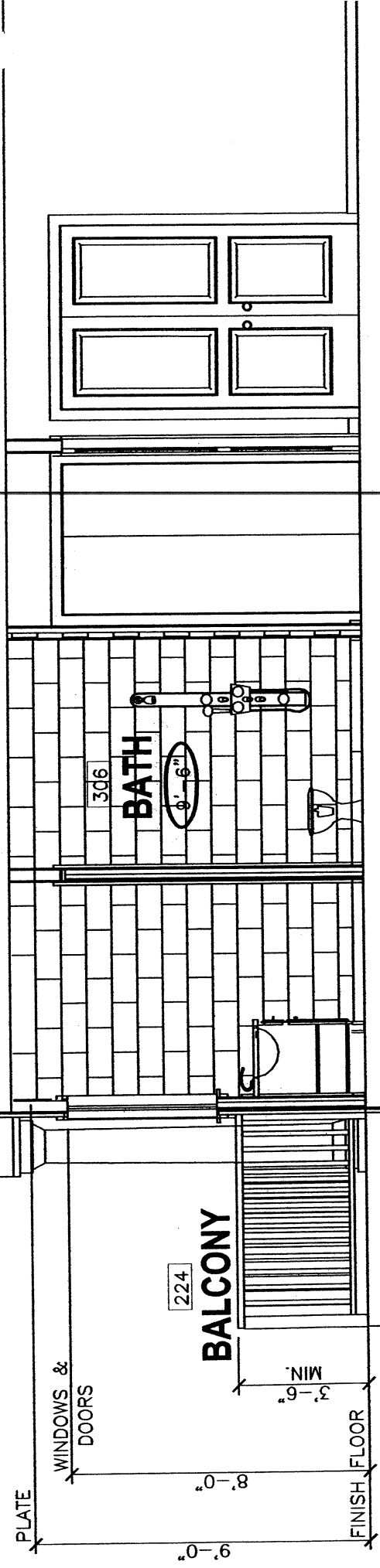
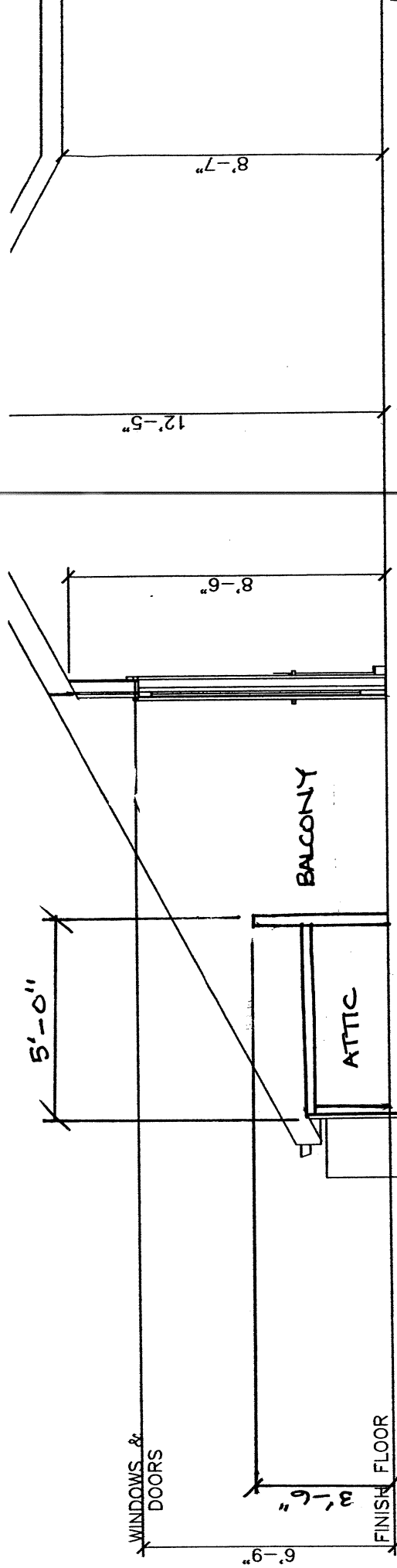


106
DINING
10'-6"
RECEIVED MAR 28 2008
ALTERNATIVE 1



RECEIVED MAR 28 2008

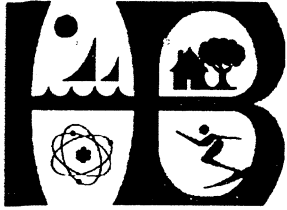
ALTERNATIVE 2



ATTACHMENT NO. 2.15

RECEIVED MAR 28 2008

ALTERNATIVE 3



**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

~~~~~  
P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

**NOTICE OF ACTION**

April 3, 2008

Greg Howell  
20561 Suburbia Lane  
Huntington Beach, CA 92646

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 2007-044; COASTAL DEVELOPMENT PERMIT NO. 2007-018 (HERMAN RESIDENCE)**

**APPLICANT:** Greg Howell

**REQUEST:** **CDP:** To permit the demolition of an existing dwelling and construction of an approximately 6,208 sq. ft., 35 ft. tall single-family dwelling with a 602 sq. ft. attached garage; **CUP:** To permit a single-family dwelling with (a) an approximately 1,107 sq. ft. 3<sup>rd</sup> floor habitable area, (b) an approximately 148 sq. ft. third story deck, and (c) an overall building height exceeding 30 ft. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout.

**PROPERTY OWNER:** Stephen Herman – Falkland Investment Trust, 3292 Falkland Circle, Huntington Beach, CA 92649

**LOCATION:** 3292 Falkland Circle, 92649 (terminus of Falkland Circle, east of Channel Lane)

**PROJECT PLANNER:** Andrew Gonzales

**DATE OF ACTION:** April 2, 2008

On Wednesday, April 2, 2008, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to

ATTACHMENT NO. 3.1



commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by the applicant or an aggrieved party. Said appeal must be in writing and must set forth in detail the actions and grounds by and upon which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty-Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling ~~property owner appealing the decision on his own property and One Thousand Five Hundred~~ Sixty-Nine Dollars (\$1569.00) if the appeal is filed by any other party. The appeal shall be submitted to the Department of Planning within ten (10) working days of the date of the Zoning Administrator's action. There is no fee for the appeal of a Coastal Development Permit to the California Coastal Commission.

In your case, the last day for filing an appeal is April 16, 2008 for the coastal development permit and April 14, 2008 for the conditional use permit/variance.

This project is in the Appealable portion of the coastal zone. Only projects in accordance with Section 30603 of the California Coastal Act may be appealed to the Coastal Commission. Action taken by the Zoning Administrator may not be appealed directly to the Coastal Commission unless Title 14, Section 13573 of the California Administrative Code is applicable. Section 13573(a)(3) states that an appeal may be filed directly with the Coastal Commission if the appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this article. The other three grounds for direct appeal do not apply. If the above condition exists, an aggrieved person may file an appeal within ten (10) working days, pursuant to Section 30603 of the Public Resources Code, in writing to:

South Coast Area Office  
California Coastal Commission  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4302  
Attn: Theresa Henry  
(562) 590-5071

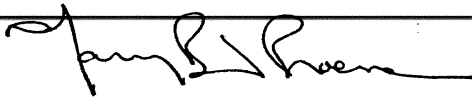
The Coastal Commission review period will commence after the City appeal period has ended and no appeals have been filed. Applicants will be notified by the Coastal Commission as to the date of the conclusion of the Coastal Commission review. Applicants are advised not to begin construction prior to that date.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Andrew Gonzales, the project planner at (714) 374-1547/ [AGonzales@surfcity-hb.org](mailto:AGonzales@surfcity-hb.org) or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,



Mary Beth Broeren  
Zoning Administrator

MBB:AG:pa  
Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Paul Emery, Interim City Administrator  
Scott Hess, Director of Planning  
Herb Fauland, Planning Manager  
William H. Reardon, Division Chief/Fire Marshal  
Terri Elliott, Principal Civil Engineer  
Gerald Caraig, Permit-Plan Check Manager  
Stephen Herman – Falkland Investment Trust, Property Owner  
Project File

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**COASTAL DEVELOPMENT PERMIT NO. 2007-018**

**CONDITIONAL USE PERMIT NO. 2007-044**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project is located in an urbanized residential zone and involves the construction of a new single family dwelling.

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**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-018:**

1. Coastal Development Permit No. 2007-018 for the demolition and construction of an approximately 6,208 sq. ft. single-family dwelling with a 602 sq. ft. attached garage conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The development complies with the maximum site coverage, maximum building height, minimum yard setbacks, minimum onsite parking, and third story design criteria. A concurrent application for a conditional use permit is under review to permit a 3<sup>rd</sup> floor habitable area, 3<sup>rd</sup> floor deck, and an overall building height of 35 ft.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed addition will not impede public access or impact public views to coastal resources.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-044:**

1. Conditional Use Permit No. 2007-044 to permit an approximately 1,107 sq. ft. 3<sup>rd</sup> floor living area and an approximately 148 sq. ft. 3<sup>rd</sup> story deck with an overall building height of 35 ft. will not be detrimental to the general welfare of person working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed habitable area will be located within the confines of the second-story roof volume, thus minimizing mass and bulk of the structure. The overall building height is not anticipated to impact surrounding properties because the project is mainly adjacent to two-story single family residences. The proposed rooftop deck will be located at the rear of the

house and oriented toward the public right-of-way to insure privacy for adjacent properties. The proposed rooftop deck is setback more than 13 ft. from adjacent residential properties, and at least five ft. from the building exterior.

2. The conditional use permit will be compatible with surrounding uses consisting of single-family homes because the three-story residence is designed to be comparable to other two-story homes in the vicinity. The home is designed as a two-story residence with the 3<sup>rd</sup> floor habitable area and rooftop deck integrated within the confines of the 2<sup>nd</sup> story roof. The habitable area and rooftop deck is contained within the 2<sup>nd</sup> floor roof volume and orientated toward the Shelter Channel with sufficient setbacks from the building exterior to insure privacy for adjacent properties.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). ~~The project complies with maximum lot coverage, minimum building setbacks, and maximum building height.~~ An overall building height of 35 ft., 3<sup>rd</sup> floor habitable area, and 3<sup>rd</sup> floor deck are allowed in the base zoning district with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Low Density Residential—7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
  - a. LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development;
  - b. LU 9.2.1d: Maintenance of privacy on abutting residences.

The development will comply with maximum building height permitted in the RL zone. The proposed 3<sup>rd</sup> floor habitable area and rooftop deck are designed within the confines of the 2<sup>nd</sup> story roof volume and located in the approximate center of the lot with sufficient setbacks from the building exterior. The addition is designed to minimize mass and bulk and impacts to privacy on adjoining properties. The proposed deck will be architecturally integrated into the design of the house, screened from view on three sides by the second-story roof, and not visible from the surrounding properties.

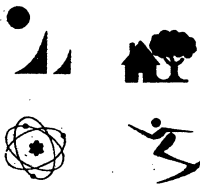
**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-018/CONDITIONAL USE PERMIT NO. 2007-044:**

1. The site plan, floor plans, and elevations received and dated February 7, 2008 shall be the conceptually approved design with the following modifications:
  - a. All drawings (plans, sections) shall depict all portions of the third floor bathroom with a five ft. minimum setback from the second story façade, consistent with the third floor plan received March 28, 2008 and identified as "Exhibit A".
  - b. All drawings (plans, elevations, sections) shall depict the third floor balcony with a five ft. minimum setback from the second story façade consistent with one of the section drawings received March 28, 2008 and identified as "Alternative 1", "Alternative 2", and "Alternative 3".
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**ATTACHMENT NO. 3.6**



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

Phone 536-5271  
Fax 374-1540

January 28, 2008

Greg Howell  
20561 Suburbia Lane  
Huntington Beach, CA 92646

**SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 2007-018; CONDITIONAL USE  
PERMIT NO. 2007-044  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Howell,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Zoning Administrator. Please note that if the design of your project or site conditions change, the list may also change.

The attached project implementation code requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within ten calendar days of the approval of the project pursuant to the Huntington Beach Zoning and Subdivision Ordinance Section 248.24. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at [agonzales@surfcity-hb.org](mailto:agonzales@surfcity-hb.org) or 714-374-1547 and/or the respective source department (contact person below).

Sincerely,

Andrew Gonzales  
Assistant Planner

Enclosures: Planning Department requirements dated January 28, 2008  
Fire Department requirements dated January 21, 2008  
Public Works Department requirements dated January 17, 2008  
Building & Safety Department requirements dated January 10, 2008

Cc: Jason Kwak, Building and Safety Department – 714-536-5278  
Lee Caldwell, Fire Department – 714-536-5531  
James Wagner, Public Works – 714-536-5467  
Herb Fauland, Planning Manager  
Jason Kelley, Planning Department  
Project File



## CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** JANUARY 28, 2008  
**PROJECT NAME:** HERMAN RESIDENCE  
**ENTITLEMENTS:** COASTAL DEVELOPMENT PERMIT NO. 2007-018; CONDITIONAL USE PERMIT NO. 2007-044

---

**DATE OF PLANS:** NOVEMBER 19, 2007  
**PROJECT LOCATION:** 3292 FALKLAND CIRCLE (TERMINUS OF FALKLAND CIRCLE, EAST OF CHANNEL LANE)  
**PLAN REVIEWER:** ANDREW GONZALES, ASSISTANT PLANNER  
**TELEPHONE/E-MAIL:** 714-374-1547; AGONZALES@SURFCITY-HB.ORG  
**PROJECT DESCRIPTION:** **CDP:** TO PERMIT AN APPROXIMATELY 6,065 SQ. FT. SINGLE FAMILY DWELLING WITH AN ATTACHED 602 SQ. FT. GARAGE, **CUP:** TO PERMIT AN APPROXIMATELY 1,072 SQ. FT. 3<sup>RD</sup> FLOOR LIVING AREA WITH A 380 SQ. FT. ROOF DECK. THE REQUEST INCLUDES A REVIEW AND ANALYSIS FOR COMPLIANCE WITH THE INFILL LOT ORDINANCE. THE INFILL LOT ORDINANCE ENCOURAGES ADJACENT PROPERTY OWNERS TO REVIEW PROPOSED DEVELOPED FOR COMPATIBILITY/PRIVACY ISSUES, SUCH AS WINDOW ALIGNMENTS, BUILDING PAD HEIGHT, AND FLOOR PLAN LAYOUT.

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided should the project receive approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

---

#### CONDITIONAL USE PERMIT NO. 2007-044; COASTAL DEVELOPMENT PERMIT NO. 2007-018:

1. The site plan, floor plans, and elevations approved by the Zoning Administrator shall be the conceptually approved design with the following modifications:
  - a. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing proposed screening must be submitted for review and approval with the application for building permit(s).

ATTACHMENT NO. 4.3



- b. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
2. Prior to issuance of demolition permits, the following shall be completed:
  - a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.
  - b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed.
  - c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
  - d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
  - e. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
3. Prior to submittal for building permits, the Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
  - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
5. The final building permit(s) cannot be approved until the following has been completed:
  - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.

- b. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Planning Department.
  - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
6. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. ~~If the proposed changes are of a substantial nature, an amendment to the original entitlement~~ reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
  7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
  8. Coastal Development Permit No. 2007-018 and Conditional Use Permit No. 2007-044 shall not become effective until the ten working day appeal period has elapsed for Coastal Development Permits. For projects in the appealable area of the coastal zone, there is an additional ten working day appeal period that commences when the California Coastal Commission receives the City's notification of final action.
  9. Coastal Development Permit No. 2007-018 and Conditional Use Permit No. 2007-044 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
  10. The Zoning Administrator reserves the right to revoke Coastal Development Permit No. 2007-018 and Conditional Use Permit No. 2007-044 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
  11. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
  12. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
  13. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Zoning Administrator's approval of entitlements.
  14. Any proposed cantilevered deck, dock, and/or ramp improvements located in the public waterway shall require separate permits.



## CITY OF HUNTINGTON BEACH FIRE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** JANUARY 21, 2008  
**PROJECT NAME:** NEW SFD – HERMAN RESIDENCE  
**ENTITLEMENTS:** CDP# 2007-018; CUP# 2007-044  
**PROJECT LOCATION:** 3292 FALKLAND, HUNTINGTON BEACH, CA  
**PLANNER:** ANDREW GONZALES, ASSISTANT PLANNER  
**TELEPHONE/E-MAIL:** (714) 374-1547/ agonzales@surfcity-hb.org  
**PLAN REVIEWER-FIRE:** LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST  
**TELEPHONE/E-MAIL:** (714) 536-5531/ lcaldwell@surfcity-hb.org  
**PROJECT DESCRIPTION:** **CDP:** To permit an approximately 6,065 sq. ft. single-family dwelling with an attached 602 sq. ft. garage, **CUP:** To permit an approximately 1,072 sq. ft. 3<sup>rd</sup> floor living area with a 380 sq. ft. roof deck. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated December 21, 2007. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST.

#### **PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:**

- a. **Residential (NFPA 13D) Automatic Fire Sprinklers** are required (See note # 1). Proposed design contains a single "fire area" of 6,065 square feet. NFPA 13D automatic fire sprinkler systems are required per Huntington Beach Fire Code for new residential one and two family dwellings and manufactured homes with "fire areas" 5000 square feet or more or for residential buildings 10,000 square feet or more. An addition of square footage to an existing home also triggers this requirement. Separate plans (three sets) shall be submitted to the Fire Department for permits and approval. Automatic fire sprinkler systems must be maintained operational at all times. For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the Huntington Beach Fire Code, NFPA 13, and City Specification # 420 - *Automatic Fire Sprinkler Systems* in the plan notes.

**NOTE 1:** Significant changes to the Huntington Beach Fire Code have occurred as of January 1, 2008 as a result of the adoption of the International Fire and Building Codes by the State of California. An option may be available to the applicant to demise a portion of the structure with a rated fire barrier. Fire sprinklers will be required for fire areas 5000 square feet or greater or combined floor areas 10,000 square feet or greater per adopted Huntington Beach Fire Department amendments. (FD)

**NOTE 2:** When buildings under construction are more than one (1) story in height and required to have automatic fire sprinklers, the fire sprinkler system shall be installed and operational to protect all floors lower than the floor currently under construction. Fire sprinkler systems for the current floor under construction shall be installed, in-service, inspected and approved prior to beginning construction on the next floor above. (FD)

- b. **Residential (NFPA 13D) Automatic Fire Sprinklers Systems Supply.** Residential NFPA 13D fire sprinkler systems supply shall be a minimum of a one inch (1") water meter service, installed per Fire Department, Public Works, and Water Division Standards. Depending on fire sprinkler system demands, larger water service may be required. Separate plans shall be submitted to the Public Works Department for approval and permits, and must be completed prior to issuance of a grading permit. The water service improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. Contact Huntington Beach Public Works Department (714-536-5431) for water meter requirements. (FD)

**THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:**

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. (FD)

**OTHER:**

- a. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. (FD)
- b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. (FD)

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Fire Department City Specifications may be obtained at:  
Huntington Beach Fire Department Administrative Office  
City Hall 2000 Main Street, 5<sup>th</sup> floor  
Huntington Beach, CA 92648  
or through the City's website at [www.surfcity-hb.org](http://www.surfcity-hb.org)

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.



## CITY OF HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** JANUARY 17, 2008  
**PROJECT NAME:** HERMAN RESIDENCE  
**ENTITLEMENTS:** CDP 07-018 AND CUP 07-044  
**PLNG APPLICATION NO.** 2007-0256  
**DATE OF PLANS:** NOVEMBER 19, 2007  
**PROJECT LOCATION:** 3292 FALKLAND CIRCLE  
**PROJECT PLANNER:** ANDREW GONZALES, ASSISTANT PLANNER  
**TELEPHONE/E-MAIL:** 714-374-1547 / [AGONZALES@SURFCITY-HB.ORG](mailto:AGONZALES@SURFCITY-HB.ORG)  
**PLAN REVIEWER:** JAMES WAGNER, SENIOR CIVIL ENGINEER  
**TELEPHONE/E-MAIL:** 714-536-5467 / [JWAGNER@SURFCITY-HB.ORG](mailto:JWAGNER@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** **CDP:** To permit an approximately 6,065 sq. ft. single family dwelling with an attached 602 sq. ft. garage, **CUP:** To permit an approximately 1,072 sq. ft. 3<sup>rd</sup> floor living area with a 380 sq. ft. roof deck. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor play layout.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

#### THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:

1. The site plan received and dated November 19, 2007 shall be the conditionally approved layout except for:

2. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
  - a. The minimum finished floor elevation for the new house shall be 10.00 feet North American Vertical Datum of 1988. (NAVD 88)
  - b. The existing sewer lateral may potentially be utilized if it is of adequate size, conforms to current Public Works Standards and is determined to be in serviceable condition by submitting a video of the lateral. If the sewer is determined to be inadequate, a new sewer lateral shall be installed, connecting to the main in the alley, per Public Works Standards. (ZSO 230.84)
  - c. A new domestic water service and meter shall be installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC) and Uniform Fire Code (UFC). The domestic water service shall be a minimum of (1-inch in size. (MC 14.08.020)
  - d. The irrigation water service may be combined with the domestic water service. (ZSO 230.84)
  - e. A separate backflow protection device shall be installed per Water Division Standards for domestic water service. (Resolution 5921 and Title 17)
  - f. The existing domestic water service and meter shall be abandoned per Water Division Standards. (Title 17)
  - g. Indicate the type and location of Water Quality Treatment Control BMPs on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach's Project WQMP Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
3. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
  - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
  - b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
  - c. Standard landscape code requirements apply. (ZSO 232)
4. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
5. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
6. A Project Water Quality Management Plan (WQMP) conforming to the City of Huntington Beach's Project WQMP Preparation Guidance Manual dated June 2006 and prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance and shall include the following:
  - a. Discusses regional or watershed programs (if applicable)

- b. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
  - c. No copper roofing or downspout shall be incorporated into the design (EPA)
  - d. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan ( DAMP)
  - e. Incorporates Treatment Control BMPs as defined in the DAMP
  - f. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
  - g. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
  - h. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
  - i. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs
  - j. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
    - i) The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).
    - ii) The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
  - k. The applicant shall return one CD media to Public Works for the project record file.
7. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (MC 17.05.150)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING GRADING OPERATIONS:**

- 1. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
- 2. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
- 3. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
- 4. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF A BUILDING PERMIT:**

1. A Precise Grading Permit shall be issued. (MC 17.05)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL  
INSPECTION OR OCCUPANCY:**

1. Complete all improvements as shown on the approved grading and landscape plans. (MC 17.05)
2. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
  - a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
  - b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
  - c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.
3. All new utilities shall be undergrounded. (MC 17.64)
4. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at [http://www.surfcity-hb.org/files/users/public\\_works/fee\\_schedule.pdf](http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf). (ZSO 240.06/ZSO 250.16)
5. An onsite 36" box tree or the palm equivalent shall be provided in the front yard to meet the Huntington Beach; Zoning and Subdivision Ordinance, the Arboricultural and Landscape Standards and Specifications, and the Municipal Code. (ZSO 232.08, Resolution 4545, MC 13.50).





**CITY OF HUNTINGTON BEACH  
DEPARTMENT OF BUILDING & SAFETY  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** January 10, 2008  
**PROJECT NAME:** HERMAN RESIDENCE  
**ENTITLEMENTS:** PLANNING APPLICATION NO. 2007-0256, CUP# 07-018  
**DATE OF PLANS:** November 19, 2007  
**PROJECT LOCATION:** 3292 FALKLAND CIRCLE, HUNTINGTON BEACH, CA  
**PROJECT PLANNER:** ANDREW GONZALES, ASSISTANT PLANNER

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**TELEPHONE/E-MAIL:** (714) 374-1547 / agonzales@surfcity-hb.org  
**PLAN REVIEWER:** JASON KWAK, PLAN CHECK ENGINEER  
**TELEPHONE/E-MAIL:** (714) 536-5278 / jkwak@surfcity-hb.org  
**PROJECT DESCRIPTION:** To permit the demolition of an existing single family home and permit the construction of a 6065 sq. ft. single family home including third floor habitable area at total building height of 34'-7"

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The following is a list of code requirements deemed applicable to the proposed project based on plans received as stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

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**I. SPECIAL CONDITIONS:**

1. None

**II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:**

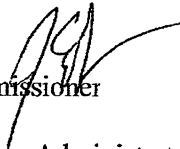
1. Project shall comply with the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2005 California Energy Code and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.

City of Huntington Beach

JAN 10 2008

ATTACHMENT NO. 4.12

TO: Scott Hess, AICP, Director  
Planning Department

FROM: John Scandura   
Planning Commissioner

SUBJECT: Appeal of Zoning Administrator Decision for Conditional Use Permit No. 2007-044/Coastal Development Permit No. 2007-018 (Herman Residence)

DATE: April 14, 2008

I hereby appeal the Zoning Administrator's April 2, 2008 approval of Conditional Use Permit (CUP) No. 2007-044/Coastal Development Permit (CDP) No. 2007-018. The CUP/CDP permits the demolition of an existing residence and construction of a 6,208 sq. ft., 35-foot tall single family dwelling at 3292 Falkland Circle. The new structure will also have a 602 sq. ft. garage for a total area of 6,810 square feet.

Most of the existing houses on Falkland Circle average 2,300 to 2,700 sq. ft. of habitable area. The new 6,208 sq. ft. dwelling will be two and one-half times the size of most houses on Falkland Circle, and over 2,000 sq. ft. larger than the single largest existing dwelling on this street. The new dwelling will also be more than 1,800 sq. ft. larger than another dwelling approved for the adjacent lot on April 2, 2008 (see CUP No. 2008-004/CDP No. 2008-007).

I am concerned that the size and mass of the approved structure is out of scale with most homes on Falkland Circle and Admiralty Island. No other home on this street is as large as the proposed dwelling and few homes are of comparable size within the vicinity of this project. The approval of this dwelling is inconsistent with General Plan Objective LU 9.2, which provides for the preservation of existing residential neighborhoods. The dwelling is incompatible with General Plan Policy LU 9.2.1 that "requires all new residential development within existing residential neighborhoods (i.e., infill) to be compatible with existing structures." Subsection (b) of this same policy requires "the use building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development" (page II-LU-31, Huntington Beach General Plan dated May 13, 1996).

The Planning Commission should review the design of the structure for alterations to reduce the mass and bulk of the dwelling so that it is visually compatible with other houses on Falkland Circle and Admiralty Island. If you have any questions, please do not hesitate to call me.

cc: Tom Livengood, Chair  
Planning Commission

Herb Fauland, Planning Manager  
Planning Department

City of Huntington Beach

APR 14 2008

ATTACHMENT NO. 5.1

**Van Dorn, Kay**

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From: Dapkus, Pat  
 Sent: Wednesday, April 16, 2008 9:16 AM  
 To: Van Dorn, Kay  
 Subject: FW: Request to appeal Falkland: Prudence PLEASE!

Pat Dapkus  
 (714) 536-5579  
 (714) 536-5233 (FAX)

P Save A Tree - please don't print this unless you really need to.

-----Original Message-----

From: Alicia Dose-Wild [mailto:alicia@century21ontarget.com]  
 Sent: Tuesday, April 15, 2008 10:24 PM  
 To: CITY COUNCIL  
 Subject: Request to appeal Falkland: Prudence PLEASE!

Request to appeal Falkland: 2 side by side 5k and 6k sq. ft. homes w/ 2 car garages & 3 stories

I live at 3242 Gilbert Drive on Admiralty Island in Huntington Harbour for more than 10 years. If you drive around, you notice most homes are 1 or 2 stories. If you look at the NEW homes that have been built, the overwhelming majority have either 3 or 4 car garages. And they are 3-4,000 square feet. In fact the most recent one to sell is 5,600 sq ft and has a 4 car garage.

Ironically the "smaller" home (almost 5k square feet) proposes to have a lift for a 3rd space. Lifts are cheap from China now, and take a while to operate, no one will use that on a daily basis.

It is common sense that the larger homes will have more people and more cars. And the lot will be so built up that there will be little drive way space.

On top of it these homes are on the inside tight curve of a cul-de-sac, which already means no street parking.

As you can see, I am in real estate and have been for many years, yet am opposed to doing things that do not make sense for a neighborhood because ultimately it will bring down the value - and quality of life for the residents. I believe the planning department sometimes gets carried away and forgets to look after the interests of all of the residents, which is why the city council is elected.

I urge you to appeal this. It is very expensive at about \$1500 for one person to do - and time consuming as many residents are very elderly and not well, including Norma who lives right next door and just lost her husband. In my case my mom is quite ill with cancer, just getting out of a week+ stay in the hospital and requires daily attention to chemo and radiation appointments at UCLA. Nonetheless, I do think it is the responsibility of the planning commission or someone other than the planning department which does not always look at the entire picture - as I have seen with other neighborhood issues, which I will not elaborate on here.

PLEASE REVIEW THIS AND APPEAL THIS.

Thank you. Alicia Dose, 3242 Gilbert cell: (562) 257-8540

PS- At the April 2, 2008 1 pm meeting/hearing about this matter, it came to our attention during the meeting that letters that were personally delivered were lost. Furthermore, no matter what anyone would have said, the planning department was not going to listen. In

fact, one member in particular was condescending and bordered heavily insulting. Many neighbors have been trained, including I am not far behind, not to bother going because it does no good. This is unfortunate, but you should go to such a meeting that is not taped for public viewing. The city, its reputation and its residents will pay the price in the long run.

RECEIVED

APR 11 2008

3056

Thursday  
April 9, 2008

Attention: Kathy (Secretary to Council)

Dear Council Members:

We recently received notice that two properties on Fickland Circle here in the Harbour, are planning on constructing three story residences.

What are they thinking about? Parking is already a premium and we do not need more density.

As a thirty three year resident of the Harbour, I have seen many changes. Some good, some bad. This definitely is bad! Please reconsider your decision. (In the light of current real estate market.)

Thank You for allowing me to voice my opinion.

Sincerely,  
Mrs. Genevieve L. Valor

Mr. & Mrs. Peter A. Valov  
16631 Peale Ln.  
Huntington Beach CA 92649-2831

(562) 592-1019

ATTACHMENT NO. 6.3

**From:** Michael Palikan [mailto:MPalikan@mmsa.com]  
**Sent:** Wednesday, April 09, 2008 9:28 AM  
**To:** Wine, Linda  
**Subject:** Please forward to Planning Commissioners

Mike Palikan  
17097 Westport Drive  
(714) 799-4724

Planning Commission  
City of Huntington Beach  
~~2000 Main Street~~  
Huntington Beach, CA 92648 via email only

Re: Request for appeal from Zoning Administrators approval of Conditional Use Permit No. 2007-044, and Coastal Development Permit No. 2007-018, 3292 Falkland Circle, 92649. Hearing was April 2, 2008.

Honorable Chair and Planning Commission Members:

I request that any member or members of the Huntington Beach Planning Commission appeal the decision of the Huntington Beach Zoning Administrator to the Huntington Beach Planning Commission in the above-referenced matter. I am requesting that an appeal be made because this commercial project is not compatible with the surrounding area, because it is not consistent with the Huntington Beach General Plan, and for other reasons stated below.

I use the term "commercial project" because the homeowners do not intend to live in this dwelling. Their intent is to demolish the existing home and build a new structure in order to sell it and make a profit. In fact it is already listed for sale at the website of homeseekers.com.

The homeowner is proposing to erect a 3 story structure 35 feet high and over 6,200 square feet in mass, covering 49% of the lot, and which includes a 2 car garage, and 4 bedrooms plus a "bonus room" with washroom which contains 2 sinks, in addition to other rooms and design elements.

In this matter, one issue of major concern is the 35 foot building height. Add to that the 18 inches increase above the Flood Elevation Level and the structure would become even taller. The proposed structure would be substantially taller than any other surrounding dwelling, and would dwarf other dwellings.

The other height related concern is the third floor of the proposed structure. No three story homes were originally constructed in Huntington Harbour. This proposed structure would be a significant deviation from the original development, which again points to the

inappropriateness of this project in this neighborhood.

The enormity of this proposed structure causes great concern. Its footprint would consume almost one half of the lot itself, which is not in harmony with the surrounding homes, which have a smaller footprint.

More importantly, it would loom over 35 feet high, and consume over 6,200 square feet, which is almost as large as the lot itself. This is considerably more massive than even the largest homes built in this area, which do not exceed 2,800 square feet.

It is proposed to be more than **twice** the size of, and in some cases, **triple** the size of neighboring homes! Its size would overwhelm not only the neighboring dwellings, but all other existing one and two-story buildings in the immediate vicinity. It is clearly not compatible with existing homes in this neighborhood.

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This proposed project is inconsistent with the Land Use Element of the General Plan of Huntington Beach. The suggested building height is not compatible with surrounding dwellings because no others have three stories, or are even close to 35 feet high, even from the street elevation. Additionally, both the bulk and the height of this proposed structure are in direct contravention to policy LU 9.2.1 because it is incompatible with the surrounding existing development.

This proposed project is also inconsistent with the General Plan insofar as the Circulation Element is concerned. The 6,200+ square foot structure is located on a cul-de-sac, which by its very character does not allow plentiful parking to begin with.

The 4 bedrooms plus "bonus room" with a double sink bathroom equates to essentially five bedrooms, which would allow 10 adults to comfortably live in the structure, which has only a two car garage. Given the fact that almost every adult in California owns a vehicle, and considering the many guests who will most certainly visit this property, the ensuing traffic congestion would place a tremendous strain on this street. This project would cause substantial parking problems were it located on a typical linear public street, but since it is located on a cul-de-sac, its impact on neighbors and their visitors would be greatly exacerbated because of the limited street parking space.

The lack of available parking would lead to drivers vying for an available close location to park their vehicles. As is typical in locations of limited parking, many persons would opt to merely park their vehicles at a 90 degree angle in front of the driveway, blocking it. Or they would choose to park behind vehicles already in the driveway, thereby blocking the sidewalk and jutting out into the street, causing a traffic hazard and blocking other vehicles and the pedestrian right of way.

Furthermore, multiple vehicles situated in the cul-de-sac and blocking driveway access could hinder fire and safety crews while attempting to perform their duties.

Because of its extraordinary mass, this proposed dwelling would block light, views and the highly desirable sea breeze from surrounding dwellings. It does not appear that a view

analysis was conducted, or "story poles" erected in order to determine if the structure would jeopardize the privacy of neighboring properties by its unobstructed views into the adjacent structures' yards.

The lack of privacy would reduce property values in those burdened properties, as those residents become less comfortable living in their dwellings and using their yards.

Prospective buyers will be concerned about purchasing a property with little or no privacy, making the property less marketable.

This proposed project is at odds with the Conditional Use Permit process. Conditional Use Permits allow a city to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district. There is no indication that a dwelling of this massive proportion is essential or desirable to the community.

As one court opinion acknowledged, "The decision to allow a conditional use permit is an issue of vital public interest. It affects the quality of life of everyone in the area of the proposed use." *Penn-Co v Board of Supervisors*, 158 Cal. App. 3d 91072m 10984 (1984). Preservation of our quality of life in Huntington Harbour is critical to our community, and this project would adversely affect the quality of life in this neighborhood based on the factors discussed in this letter.

The Urban Design Element guidelines of the General Plan focus on a number of locations within Huntington Beach with regards to design qualities. There is criticism of a number of characteristics in certain neighborhoods, but the guidelines specifically praise Huntington Harbour. The guidelines note that "...the most successful neighborhoods in the City, from the standpoint of design (such as Huntington Harbour), have a clear and appropriate architectural image." (City of Huntington Beach General Plan, Community Development Chapter Urban Design Element, II-UD-12). Allowing this dwelling to be constructed would diminish this appropriate architectural image, and with it the desirability to reside in Huntington Harbour.

This project is extremely massive, incompatible with the area, and inconsistent with the Huntington Beach General Plan. Were it built, it would have a detrimental impact on circulation, would be a burden on parking, and it would diminish the privacy of surrounding dwellings, block views, and air flow and light. For these reasons, and other related design and developmental impacts, I object to this project, and ask one or more of the Planning Commissioners to appeal the Zoning Administrators decision to the Planning Commission. Thank you for you considering my request.

Respectfully,

*Mike Palikan*

Mike Palikan



Mr. and Mrs. Jerry Olson  
16691 Peale Lane  
Huntington Beach CA 92649

City of Huntington Beach

APR 02 2008

March 23, 2008

City of Huntington Beach – Planning Department  
2000 Main Street  
Huntington Beach CA 92648

Attention: Mr. Ron Santos, Project Planner (F) 714-374-1540

RE: Conditional Use Permit No. 2007-044, April 02, 2008  
Herman Residence, 3292 Falkland Circle, HB 92649

Dear Mr. Santos,

The purpose of this letter is to express my concern and disapproval of the above named property request for a habitable 3<sup>rd</sup> floor area and conditional use permit for building height exceeding 30 feet.

Thank you for your time during my visit to review the building plans and blueprints on Monday, March 31, 2008, for the above named property. The development plan for this house is beautiful and a height of 30 feet will enhance the neighborhood. However I am strongly opposed to a Conditional Use Permit for a height of 35 feet.

Declaration of Restrictions for Huntington Harbour, dated 1962, clearly restrict building above 30 feet. Please help enforce our C, C, & R's. You have the responsibility and power to uphold our building codes. Understand that I am not opposed to 3 story buildings, however these buildings should be restricted to 30 feet in height.

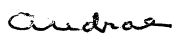
As I will be unable to attend the public hearing please understand that a 35 foot height will clearly block the wide, distant and sunset view of all surrounding properties and neighbors. This is a view which we currently enjoy and will clearly cause a visual obstruction.

Granting this variance will constitute a special privilege that no other surrounding property have and causes limitations on other property in the vicinity. In fact the property rights of surrounding properties will be restricted if the permit is approved.

Zoning administrator, please do not allow this permit request to be approved by the City, Planning Department as it will be detrimental to public welfare and injurious to surrounding properties. We stand to lose far more than gain by allowing a 3rd floor to be constructed. Our view, peace and serenity are more important to preserve than a plan that removes topographical beauty.

Thank you for representing my point of view in this matter and call me if you have further questions.

Sincerely,

  
Jerry Olson

ATTACHMENT NO. 6.7

Mr. and Mrs. Jerry Olson  
16691 Peale Lane  
Huntington Beach CA 92649

City of Huntington Beach

APR 02 2008

March 23, 2008

City of Huntington Beach – Planning Department  
2000 Main Street  
Huntington Beach CA 92648

Attention: Mr. Ron Santos, Project Planner (F) 714-374-1540

RE: Conditional Use Permit No. 2007-044, April 02, 2008

Herman Residence, 3292 Falkland Circle, HB 92649

Dear Mr. Santos,

The purpose of this letter is to express my concern and disapproval of the above named property request for a habitable 3<sup>rd</sup> floor area and conditional use permit for building height exceeding 30 feet.

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As I will be unable to attend the public hearing please understand that a 35 foot height will clearly block the wide, distant and sunset view of all surrounding properties and neighbors. This is a view which we currently enjoy and will clearly cause a visual obstruction.

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Zoning administrator, please do not allow this permit request to be approved by the City, Planning Department as it will be detrimental to public welfare and injurious to surrounding properties. We stand to lose far more than gain by allowing a 3rd floor to be constructed. Our view, peace and serenity are more important to preserve than a plan that removes topographical beauty.

Thank you for representing my point of view in this matter and call me if you have further questions.

Sincerely,



Jerry Olson

ATTACHMENT NO. 6.8

Mr. and Mrs. Daryl Phillips  
16711 Peale Lane  
Huntington Beach CA 92649

March 23, 2008

City of Huntington Beach – Planning Department  
2000 Main Street  
Huntington Beach CA 92648

Attention: Mr. Ron Santos, Project Planner (F) 714-374-1540

RE: Conditional Use Permit No. 2007-044, April 02, 2008  
Herman Residence, 3292 Falkland Circle, HB 92649

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Dear Mr. Santos,

The purpose of this letter is to express my concern and disapproval of the above named property request for a habitable 3<sup>rd</sup> floor area and conditional use permit for building height exceeding 30 feet.

Thank you for your time during my visit to review the building plans and blueprints on Monday, March 31, 2008, for the above named property. The development plan for this house is beautiful and a height of 30 feet will enhance the neighborhood. However I am strongly opposed to a Conditional Use Permit for a height of 35 feet.

Declaration of Restrictions for Huntington Harbour, dated 1962, clearly restrict building above 30 feet. Please help enforce our C, C, & R's. You have the responsibility and power to uphold our building codes. Understand that I am not opposed to 3 story buildings, however these buildings should be restricted to 30 feet in height.

As I will be unable to attend the public hearing please understand that a 35 foot height will clearly block the wide, distant and sunset view of all surrounding properties and neighbors. This is a view which we currently enjoy and will clearly cause a visual obstruction.

Granting this variance will constitute a special privilege that no other surrounding property have and causes limitations on other property in the vicinity. In fact the property rights of surrounding properties will be restricted if the permit is approved.

Zoning administrator, please do not allow this permit request to be approved by the City, Planning Department as it will be detrimental to public welfare and injurious to surrounding properties. We stand to lose far more than gain by allowing a 3rd floor to be constructed. Our view, peace and serenity are more important to preserve than a plan that removes topographical beauty.

Thank you for representing my point of view in this matter and call me if you have further questions.

Sincerely,

Daryl Phillips

RECEIVED APR 01 2008

ATTACHMENT NO. 6.9



April 1, 2008

Zoning Administrator  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

Via Facsimile only

Re: Public Hearing - Conditional Use Permit No. 2007-044, and  
Coastal Development Permit No. 2007-018  
~~Herman Residence - 3292 Falkland Circle, 92649~~  
Hearing date of April 2, 2008 in Room B-8

Dear Zoning Administrator:

The Huntington Harbour Property Owner's Association ("HHPOA") objects to the approval of this project because it violates our Declaration of Limitations, Covenants, Conditions, Restrictions and Reservations ("CC& R's"), because it is not compatible with the surrounding area, because it is not consistent with the Huntington Beach General Plan, and for other reasons stated below.

The CC&R's which were recorded against and apply to this property mandate that the homeowner first obtain written approval from the Architectural Review Committee ("ARC") of the HHPOA before proceeding on their project. Despite our written request on March 13, 2008, the homeowner has ignored that request and has not submitted plans to the HHPOA.

Since we did not receive the plans, the undersigned visited the City to review them. It appears that the homeowner is proposing to erect a 3 story structure 35 feet high and over 6,200 square feet in mass, covering 49% of the lot, and which includes a 2 car garage, and 4 bedrooms plus a "bonus room" with washroom which contains 2 sinks, in addition to other rooms and design elements.

Our CC&R's address numerous issues as grading, location of the structure on the site, color scheme, finish, design, proportions, architecture, shape, height, style or appropriateness of proposed structures, materials, roof design, and any other design characteristics which would render the proposed structure inharmonious with the improvement of the property.

In regards to height, our CC&R's mandate that no dwelling which is more than one story, nor greater than 20 feet in height may be erected without the express written approval by the ARC. The purpose of these limitations is to retain the diverse character of Huntington Harbour, and to preserve the quality of life for residents.

In this matter, one issue of major concern to the HHPOA is the 35 foot building height. Add to that the 18 inches increase above the Flood Elevation Level and the structure would

Huntington Harbour Property Owners Association, Inc. • (714) 840-7877 • [www.hhpoa.net](http://www.hhpoa.net)  
16899 Algonquin Street, Suite C, Huntington Beach, CA 92649-5608

APR 1 2008

ATTACHMENT NO. 6.10

2

become even taller. The proposed structure would be substantially taller than any other surrounding dwelling, and would dwarf other dwellings.

The other height related concern is the third floor of the proposed structure. No three story homes were originally constructed in Huntington Harbour. This proposed structure would be a significant deviation from the original development, which again points to the inappropriateness of this project in this neighborhood.

The enormity of this proposed structure causes great concern. Its footprint would consume almost one half of the lot itself, which is not in harmony with the surrounding homes, which have a smaller footprint.

More importantly, it would loom over 35 feet high, and consume over 6,200 square feet, which is almost as large as the lot itself. This is considerably more massive than even the largest homes built in this area, which do not exceed 2,800 square feet.

It is proposed to be more than twice the size of, and in some cases, triple the size of neighboring homes! Its size would overwhelm not only the neighboring dwellings, but all other existing one and two-story buildings in the immediate vicinity. It is clearly not compatible with existing homes in this neighborhood.

This proposed project is inconsistent with the Land Use Element of the General Plan of Huntington Beach. The suggested building height is not compatible with surrounding dwellings because no others have three stories, or are even close to 35 feet high, even from the street elevation. Additionally, both the bulk and the height of this proposed structure are in direct contravention to policy LU 9.2.1 because it is incompatible with the surrounding existing development.

This proposed project is also inconsistent with the General Plan insofar as the Circulation Element is concerned. The 6,200+ square foot structure is located on a cul-de-sac, which by its very character does allow plentiful parking to begin with.

The 4 bedrooms plus "bonus room" with a double sink bathroom equates to essentially five bedrooms, which would allow 10 adults to comfortably live in the structure, which has only a two car garage. Given the fact that almost every adult in California owns a vehicle, and considering the many guests who will most certainly visit this property, the ensuing traffic congestion would place a tremendous strain on this street. This project would cause substantial parking problems were it located on a typical linear public street, but since it is located on a cul-de-sac, its impact on neighbors and their visitors would be greatly exacerbated because of the limited street parking space.

The lack of available parking would lead to drivers vying for an available close location to park their vehicles. As is typical in locations of limited parking, many persons would opt to merely park their vehicles at a 90 degree angle in front of the driveway, blocking it. Or they would choose to park behind vehicles already in the driveway, thereby blocking the sidewalk and jutting out into the street, causing a traffic hazard and blocking other vehicles and pedestrian right of way.

APR 11 2008

ATTACHMENT NO. 6.11

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Furthermore, multiple vehicles situated in the cul-de-sac and blocking driveway access could hinder fire and safety crews while attempting to perform their duties.

Because of its extraordinary mass, this proposed dwelling would block light, views and the highly desirable sea breeze from surrounding dwellings. It does not appear that a view analysis was conducted, or "story poles" erected in order to determine if the structure would jeopardize the privacy of neighboring properties by its unobstructed views into the adjacent structures' yards.

The lack of privacy would reduce property values in those burdened properties, as those residents become less comfortable living in their dwellings and using their yards. Prospective buyers will be concerned about purchasing a property with little or no privacy, making the property less marketable.

This proposed project is at odds with the Conditional Use Permit process. Conditional Use Permits allow a city to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district. There is no indication that a dwelling of this massive proportion is essential or desirable to the community.

As one court opinion acknowledged, "The decision to allow a conditional use permit is an issue of vital public interest. It affects the quality of life of everyone in the area of the proposed use." *Penn-Co v Board of Supervisors*, 158 Cal. App. 3d 091072m 10984 (1984). Preservation of our quality of life in Huntington Harbour is critical to our community, and this project would adversely affect the quality of life in this neighborhood based on the factors discussed in this letter.

The Urban Design Element guidelines of the General Plan focus on a number of locations within Huntington Beach with regards to design qualities. There is criticism of a number of characteristics in certain neighborhoods, but the guidelines specifically praise Huntington Harbour. The guidelines notes that "...the most successful neighborhoods in the City, from the standpoint of design (such as Huntington Harbour), have a clear and appropriate architectural image." (City of Huntington Beach General Plan, Community Development Chapter Urban Design Element, II-UD-12). Allowing this dwelling to be constructed would diminish this appropriate architectural image, and with it the desirability to reside in Huntington Harbour.

Because this project does not conform to our CC&R's, because of its massive size, incompatibility with the area, inconsistency with the Huntington Beach General Plan, detrimental impact on circulation, and burden on parking, because it would diminish the privacy of surrounding dwellings, block views, air flow and light, and other related design and developmental impacts, we object to this project, in order to preserve our rights as well as the rights of all homeowners subject to our CC&R's. Thank you for considering our objection.

Respectfully,



Mike Palikan  
Architectural Review Committee

APR 01 2005

TOTAL P.04

ATTACHMENT NO. 6.12

Daryl Phillips  
16711 Peale Lane  
Huntington Beach CA 92649

City of Huntington Beach

March 23, 2008

MAR 26 2008

City of Huntington Beach – Planning Department  
2000 Main Street  
Huntington Beach CA 92648

Attention: Mr. Andrew Gonzales, Project Planner (F) 714-374-1540

~~RE: Conditional Use Permit No. 2007-044, April 02, 2008~~  
Coastal Development Permit No. 2007-018  
Herman Residence, 3292 Falkland Circle, HB 92649

Dear Mr. Gonzales,

The purpose of this letter is to express my concern and disapproval of the above named property request for a habitable 3<sup>rd</sup> floor area and deck, variance and conditional use permit.

As I will not be able to attend the public hearing please understand that I am not opposed to development and general area improvement plans, however a 35 foot height will clearly block the wide, distant and sunset view of all surrounding properties and neighbors. This is a view which we currently enjoy.

Granting this variance will constitute a special privilege that no other surrounding property have and causes limitations on other property in the vicinity. Several properties have height to 30 feet which is within acceptable city and coastal codes.

Denial of this permit and variance will not deprive the above stated property of any privileges because no other property is built above a height of 30 feet. In fact the property rights of surrounding properties will be restricted if the permit and variance are approved.

Zoning administrator, please do not allow this permit request to be approved by the City, Planning Department or Coastal Commission as it will be detrimental to public welfare and injurious to surrounding properties. We stand to lose far more than gain by allowing a 3rd floor room and deck to be constructed. Our view, peace and serenity are more important to preserve than a plan that removes topographical beauty.

Thank you for representing my point of view in this matter. Please contact me if you have further questions or concerns.

Sincerely,



Daryl Phillips (H) 562-592-2193, (C) 562-253-1673

ATTACHMENT NO. 6.13

Daryl Phillips  
16711 Peale Lane  
Huntington Beach CA 92649

March 15, 2008

City of Huntington Beach - Planning Department  
2000 Main Street  
Huntington Beach CA 92649

City of Huntington Beach

MAR 18 2008

✓ Attention: Mr. Andrew Gonzales, Project Planner (F) 714-374-1540

RE: ~~Conditional Use Permit NO. 2007-044, March 19, 2008~~  
Coastal Dev Permit NO. 2007-018  
Herman Residence: 3292 Falkland Circle, HB 92649

Dear Mr. Gonzales,

The purpose of this letter is to express my concern and disapproval of the above mentioned property request for a 3<sup>rd</sup> story deck.

As I will be out of town on the hearing date and unable to express my point, please understand that 35 feet is just too high and will clearly block the view of all the surrounding neighbors, a clear, wide, distant and sunset view that we currently enjoy.

Granting of this variance will constitute a special privilege that no other nearby properties have and causes limitations on other properties in the vicinity. Many properties have height to 30 feet, which is within city code and acceptable.

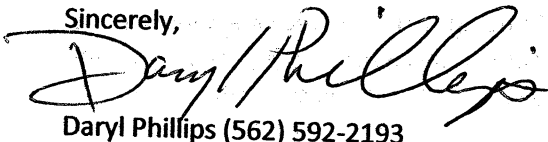
Granting of this conditional use permit and variance and allowing extended building height of 35 feet will not deprive the subject property of privileges that surrounding properties have, because no other properties share this type of variance or building height.

Granting of this variance will in fact restrict the property rights of other surrounding properties.

Please do not allow this permit and variance to be approved by the city or planning department as it will be detrimental to public welfare and injurious to surrounding properties. We stand to lose far more than we can gain by allowing this 3<sup>rd</sup> floor deck to be built. Our view, peace and serenity are far more important to preserve than a plan that removes our topographical beauty. In a declining real estate market our property values will decline more with this type of detrimental development.

Thank you for representing my point of view in this matter. Contact me at any time if you have further questions or concerns.

Sincerely,

  
Daryl Phillips (562) 592-2193

ATTACHMENT NO. 6.14





March 12, 2008

Zoning Administrator  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

Via Facsimile only

Re: Public Hearing - Conditional Use Permit No. 2007-044, and  
Coastal Development Permit No. 2007-018  
Herman Residence - 3292 Falkland Circle, 92649  
Hearing date of March 19, 2008 in Room B-8

Dear Zoning Administrator:

The Huntington Harbour Property Owner's Association ("HHPOA") has learned that the above-referenced homeowner has applied for Coastal Development and Conditional Use Permits. The HHPOA objects to this application because it has not received a plan submittal as required by the Declaration of Covenants, Conditions, Restrictions and Reservations ("CC&R's") and because this project may exceed the building limitations set forth in the CC&R's.

The CC&R's which were recorded against and apply to this property mandate that the homeowner must first obtain written approval from the Architectural Review Committee ("ARC") of the HHPOA before proceeding on their project. This is probably just an oversight by the homeowner, so therefore we ask for further cooperation with our review program, and that he/she submits their project plans to us for approval as required.

However, since we have not yet received the plans, and in order to preserve our rights and the rights of all homeowners subject to the CC&R's, we must respectfully object to this project until plans are submitted and approved in writing by the ARC. To that end, we request a continuance of this matter until we have received the plans from the homeowner.

We request the homeowner to contact us by phone should there be any questions. The homeowner may also contact us in writing, located at 10677 Algonquin Street, Suite "C", Huntington Beach, CA, 92649. Upon receipt, we will promptly review the project. Thank you for your considering our objection.

Yours truly,

Mike Palikan  
Architectural Review Committee

City of Huntington Beach

MAR 12 2008

Huntington Harbour Property Owners Association, Inc. • (714) 840-7877 • www.hhpoa.net  
10677 Algonquin Street, Suite C, Huntington Beach, CA 92649-5408

\*FAX RECEIVED ON MARCH 12, 2008  
COPY IS ILLEGIBLE.

ATTACHMENT NO. 6.15